UNITED STATES DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

WASHINGTON, D. C.

January 2, 1936.

Ordered Dup #422 1/2/35

MEMORANDUM NO. 683

Clearance of Recommendations and Reports on Legislation

There is attached, for the information and guidance of all officers and employees of the Department, Budget Bureau Circular No. 336, issued December 21, 1935, by direction of the President, establishing the procedure to be followed hereafter with respect to clearance of reports or recommendations pertaining to legislation. The procedure established by Circular 336 is not limited, as heretofore, to legislation involving expenditures but includes clearance of reports or recommendations, whether favorable or unfavorable, concerning legislation of all types (except private relief legislation). The Budget Bureau circular includes the following requirement:

"There shall be sent to the Bureau of the Budget, for consideration of the President before submission to the Congress, or any committee or member thereof, the original and two copies of each recommendation or report, concerning proposed or pending legislation (other than private relief legislation), requested from or advanced by any executive department, independent establishment, or other Government agency (including the municipal government of the District of Columbia and Government-owned or Government-controlled corporations), or any officer thereof. When such recommendation or report thereafter is submitted to the Congress, or to a committee or member thereof, it shall include a statement as to whether the proposed legislation is or is not in accord with the program of the President.

"Before any person in his official capacity as officer or employee of any executive department, independent establishment, or other Government agency (including the municipal government of the District of Columbia and Government-owned or Government-controlled corporations) shall advocate or oppose legislation (other than private relief legislation) before any committee of the Congress, he shall ascertain from the Bureau of the Budget through the Budget officer of his organization whether such legislation is or is not in accord with the program of the President, and he shall so inform the committee."

In carrying into effect the procedure outlined in Budget Circular 336 all reports or other communications pertaining to legislation will continue to be prepared for the signature of the Secretary, as provided by Secretary's memorandum of June 10, 1935, to Chiefs of Bureaus and Offices, and which this memorandum supersedes. They will be accompanied by a letter of transmittal addressed to the Budget Bureau, also for the Secretary's signature, requesting clearance pursuant to Budget Circular 336, and setting forth any information, additional to that contained in the document presented for clearance, which may facilitate its consideration by the Budget Bureau, bearing in mind that if adequate information is given the Budget Bureau in the first instance delays and supplemental requests for additional information may be avoided. All reports will be cleared through the Office of Budget and Finance and the Office of the Solicitor before they are presented to the Secretary for signature.

Officers or employees of the Department who, in their official capacity, testify before Committees in Congress immediately thereafter should submit a brief written report of the same to the Secretary, through bureau channels, citing by number and title the legislation under discussion and giving the gist (very briefly) of the testimony given by such officer or employee and such other facts as may be needed for current departmental information.

H A Wallace

Secretary.

Enclosures:
1. Budget Circular 336.
2. Outline of Form.

In carrying into effect the procedure outlined in Budget Circular 376 all reports or other communications pertaining to legislation will continue to be prepared for the signature of the Secretary, as provided by Secretary's memorandum of June 13, 1935, to Chiefs of Bureaus and Offices, and which this memorandum supersedes. They will be accompanied by a letter of transmittal addressed to the Budget Bureau, also for the Secretary's signature, requesting clearance pursuant to Budget Circular 376, and setting forth any information, additional to that contained in the document presented for clearance, which may facilitate its consideration by the Budget Bureau, bearing in mind that if adequate information is given the Budget Bureau in the first instance delays and supplemental requests for additional information may be avoided. All reports will be cleared through the Office of Budget and Finance and the Office of the Solicitor before they are presented to the Secretary for signature.

Officers or employees of the Department who, in their official capacity, testify before Committees in Congress immediately thereafter should submit a brief written report of the same to the Secretary, through bureau channels, citing by number and title the legislation under discussion and giving the gist (very briefly) of the testimony given by such officer or employee and such other facts as may be needed for current departmental information.

Secretary.

Enclosures:
1. Budget Circular 376.
2. Outline of form.

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON

December 19, 1935

MEMORANDUM FOR MR. W. A. JUMP

Dear Mr. Jump:

Here are two memos from Frank Walker, the substance of which should be called to the attention of every bureau chief and every office handling legislative reports and dealing with Congressional groups. Will you please see to the preparation of such notification as you think is warranted?

Perhaps this should be an occasion for re-stating the whole matter.

Sincerely yours,

Paul H. Appleby

Paul H. Appleby
Assistant to the Secretary

Enclosures

THE NATIONAL EMERGENCY COUNCIL

WASHINGTON

OFFICE OF THE
EXECUTIVE DIRECTOR
COMMERCIAL NATIONAL BANK BUILDING
14TH AND G STREETS NW.

December 18, 1935.

To: The Secretary of Agriculture.

From: The Executive Director.

At the meeting of the National Emergency Council December 17, 1935, the President and the Council approved the following procedure with respect to the clearance of recommendations and reports concerning proposed and pending Federal legislation. This procedure will be promulgated in a Budget Circular:

> There shall be sent to the Bureau of the Budget, for consideration of the President before submission to the Congress, or any committee, or any member thereof, the original and two copies of each recommendation or report concerning proposed or pending Federal legislation (other than private relief legislation) requested from or advanced by any executive department, independent establishment, or other Government agency (including the municipal Government of the District of Columbia and including Government-owned or Government-controlled corporations), or officer thereof. When such recommendation or report thereafter is submitted to the Congress, or the committee, or member thereof, it shall include a statement as to whether the proposed Federal legislation is or is not in accord with the program of the President.
>
> Before any person in his official capacity as officer or employee of any executive department, independent establishment, or other Government agency (including the municipal Government of the District of Columbia and including Government-owned or Government-controlled corporations) shall advocate or oppose Federal legislation (other than private relief legislation) before any committee of the Congress, he shall ascertain from the Bureau of the Budget whether such legislation is or is not in accord with the program of the President, and he shall so inform the committee.

Frank C. Walker

Frank C. Walker,
THE EXECUTIVE DIRECTOR.

THE NATIONAL EMERGENCY COUNCIL

WASHINGTON

December 18, 1935.

OFFICE OF THE
EXECUTIVE DIRECTOR
COMMERCIAL NATIONAL BANK BUILDING
14TH AND G STREETS NW.

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At the meeting of the National Emergency Council December 17, 1935, the President and the Council approved the following procedure with respect to the clearance of recommendations and reports concerning proposed and pending Federal legislation. This procedure will be promulgated in a Budget Circular:

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>
> Before any person in his official capacity as officer or employee of any executive department, independent establishment, or other Government agency (including the municipal Government of the District of Columbia and including Government-owned or Government-controlled corporations) shall advocate or oppose Federal legislation (other than private relief legislation) before the Congress, he shall ascertain from the Bureau of the Budget whether such legislation is or is not in accord with the program of the President, and he shall so inform the Congress.

Frank C. Walker,
THE EXECUTIVE DIRECTOR.

Circular No. 336

BUREAU OF THE BUDGET

WASHINGTON

December 21, 1935.

TO THE HEADS OF EXECUTIVE DEPARTMENTS, INDEPENDENT ESTABLISHMENTS AND OTHER GOVERNMENT AGENCIES, INCLUDING CORPORATIONS.

This Circular supersedes Budget Circular No. 49 of December 19, 1921, Budget Circular No. 273 of December 20, 1929, Budget Circular Letter of April 10, 1930, National Emergency Council Memorandum of December 13, 1934, and National Emergency Council Memorandum of April 23, 1935.

Estimates or Requests for Appropriations.

Section 206 of the Budget and Accounting Act, 1921, provides that:

> "No estimate or request for an appropriation and no request for an increase in an item of any such estimate or request, and no recommendation as to how the revenue needs of the Government should be met, shall be submitted to Congress or any committee thereof by any officer or employee of any department or establishment, unless at the request of either House of Congress."

Section 2 of said Act contains the following definition:

> "When used in this Act --
>
> "The terms 'department and establishment' and 'department or establishment' mean any executive department, independent commission, board, bureau, office, agency, or other establishment of the Government, including the municipal government of the District of Columbia, but do not include the Legislative Branch of the Government or the Supreme Court of the United States;"

Reports and Recommendations on Proposed or Pending Legislation.

At a meeting of the National Emergency Council, December 17, 1935, the President directed that:

There shall be sent to the Bureau of the Budget, for consideration of the President before submission to the Congress, or any committee or member thereof, the original and two copies of each recommendation or report, concerning proposed or pending legislation (other than private relief legislation), requested from or advanced by any executive department, independent establishment, or other Government agency (including the municipal government of the District of Columbia and Government-owned or Government-controlled corporations), or any officer thereof. When such recommendation or report thereafter is submitted to the Congress, or to a committee or member thereof, it shall include a statement as to whether the proposed legislation is or is not in accord with the program of the President.

Before any person in his official capacity as officer or employee of any executive department, independent establishment, or other Government agency (including the municipal government of the District of Columbia and Government-owned or Government-controlled corporations) shall advocate or oppose legislation (other than private relief legislation) before any committee of the Congress, he shall ascertain from the Bureau of the Budget through the Budget officer of his organization whether such legislation is or is not in accord with the program of the President, and he shall so inform the committee.

The Procedure for carrying out the above directions will be as follows:

(a) Legislation solely concerning fiscal matters will be cleared by the Bureau of the Budget with the President. Thereafter, the submitting agency will be advised by the Bureau of the Budget whether such legislation is or is not in accord with the financial program of the President.

(b) Legislation solely concerning policy matters will be transmitted by the Bureau of the Budget to the office of the National Emergency Council, with such comment as the Bureau of the Budget desires to make. The office of the National Emergency Council will then clear the legislation with the President and advise the Bureau of the Budget of the President's action. Thereafter, the submitting agency will be advised by the Bureau of the Budget whether the legislation is or is not in accord with the policy program of the President.

(c) Legislation involving both fiscal and policy matters will be cleared jointly with the President by the Bureau of the Budget and the office of the National Emergency Council. Thereafter, the submitting agency will be advised by the Bureau of the Budget (1) whether the legislation is or is not in accord with the financial program of the President, and (2) whether the legislation is or is not in accord with the policy program of the President.

By direction of the President:

D. W. Bell,
Acting Director of the
Bureau of the Budget.

DEPARTMENT OF AGRICULTURE

WASHINGTON

SUPPLEMENT TO MEMORANDUM 683

Clearance of Legislative Recommendations

For the further information and guidance of officers and employees of the Department, when acting in their official capacity, the following procedure, supplementing that indicated in Memorandum No. 683, will be observed in complying with Budget Circular 336:

(1) When members of the Department are requested by a Congressional Committee to appear before the Committee for the purpose of giving information with respect to pending or proposed legislation they are authorized to do so but should notify the Office of the Secretary, where time permits, through bureau channels, of their intended appearance and, as required by Memorandum 683, following their appearance, should make a very brief report to the Secretary's Office, also through bureau channels, stating the gist of their testimony and such facts as may be appropriate, for departmental information.

(2) Where members of the Department are called upon to render drafting assistance or similar expert technical services, in connection with pending or proposed legislation, not involving the expression of official views with respect to the desirability of such measures, the same procedure as indicated under (1) should be observed.

(3) When members of the Department are requested by a Congressional Committee to appear before the Committee for the purpose of making a recommendation or expressing an opinion as to the desirability of pending or proposed legislation they should, where time permits, initiate action, through bureau channels, pursuant to the procedure indicated in Department Memorandum 683, to obtain a clearance as required by Budget Circular 336. Where the time is too short to permit this to be done by written communication it may be done by telephone.

For the further information and guidance of officers and employees of the Department, when acting in their official capacity, the following procedure, specifically that indicated in paragraph No. 5(3), will be observed in complying with Budget [illegible]:

(1) When answers of the Departments are requested by a Congressional Committee to appear before the Committee for the purpose of giving information with respect to pending or proposed legislation they are authorized to do so but should notify the Office of the Secretary, where time permits, through bureau channels, of their intended appearance, as required by Department [illegible], following their appearance, should make a very brief report to the [illegible] the gist of their testimony and such facts as may be [illegible].

(2) Those members of the Departments are called upon to answer questions or statements or similar account technical services, in connection with pending or proposed legislation, not involving the expression of official views with respect to the desirability of such measures, the same procedure as indicated under (1) should be observed.

(3) Those members of the Departments are requested by a Congressional Committee to appear before the Committee for the purpose of making a recommendation or expressing an opinion as to the desirability of pending or proposed legislation they should, where time permit, initiate action through bureau channels, presented to the proponent Committee [illegible] Department [illegible] to obtain a clearance as required by Budget Circular [illegible]. Where the time is too short [illegible] by written communication it may be [illegible]

(4) Where members of the Department appearing before a Congressional Committee are requested to express an opinion as to the desirability of pending or proposed legislation and there has been no opportunity to secure a clearance as indicated under (3), the departmental representative may express his personal official opinion, but at the same time should make it clear that such opinion may not be construed as the official recommendation of the Department, unless opportunity is given to secure a clearance as required by Budget Circular 336.

(5) The information given in the foregoing paragraphs will apply also to requests made by individual members of the Congress.

(6) In general, departmental representatives will not appear before Congressional Committees except upon request of the Committee, or by departmental authorization.

The foregoing procedure is not intended to interfere with the fully cooperative relationship which exists between the staff of the Department and the legislative branch but is indicated in order that proper coordination and orderly procedure may be had, under the provisions of Budget Circular 336, without confusion which might otherwise exist. Members of the Department desiring to secure further information pertaining to these matters should present their inquiries in writing, through bureau channels, or may consult with the Assistants to the Secretary or the Budget Officer of the Department.

Secretary.

DEPARTMENT OF AGRICULTURE

WASHINGTON

SUPPLEMENT TO MEMORANDUM 683

Clearance of Legislative Recommendations

For the further information and guidance of officers and employees of the Department, when acting in their official capacity, the following procedure, supplementing that indicated in Memorandum No. 683, will be observed in complying with Budget Circular 336:

When members of the Department are requested by a Congressional Committee to appear before the Committee for the purpose of giving information with respect to pending or proposed legislation upon which the Department has not as yet obtained a clearance under Budget Circular 336, such witnesses, before giving their testimony should state to the Committee conducting the hearing that in the absence of a clearance under Budget Circular 336, their testimony should not be construed as reflecting either one way or the other the relationship of the proposal under consideration to the program of the President. In other words the witness should make clear that his testimony can not involve any commitment as to the program of the President until the matter is presented to the Budget Bureau for a formal clearance.

Departmental witnesses should notify the Office of the Secretary, where time permits, through bureau channels, of their intended appearance and, as required by Memorandum 683, following their appearance, should make a very brief report to the Secretary's Office, also through bureau channels, stating the gist of their testimony and such facts as may be appropriate, for departmental information. ~~In general,~~ Departmental representatives will not appear before Congressional Committees except upon request of the Committee, or by departmental authorization. In either event the provisions of the preceding paragraph will apply.

Where members of the Department are called upon to render drafting assistance or similar expert technical services, in connection with pending or proposed legislation, not involving the expression of official views with respect to the desirability of such measures, the same procedure as indicated in the foregoing paragraphs should be observed.

Secretary.

For the further information and guidance of officers and [illegible] Department, when acting in their official capacity, [illegible]

When members of the Department are requested by a Congressional Committee to appear before the Committee for the purpose of giving information with respect to pending or proposed legislation upon which the Department has not as yet obtained a clearance under Budget Circular 356, such witnesses, before giving their testimony should state to the Committee conducting the hearing that in the absence of a [illegible] way or the other the relationship of the proposed under consideration to [illegible]. In other words the witness should make clear that his testimony can not involve any commitment as to the promulgation of the President until the matter is presented to [illegible] for a formal clearance.

Departmental witnesses should notify the Office of [illegible] of their intended appearance and, as required by Memorandum [illegible], furnish their [illegible] channels, stating the gist of their testimony and such facts as may be [illegible]. Departmental representatives will not appear before Congressional Committees except upon request of the Committee, or [illegible] authorization.

(Outline of Form to be used in Department of Agriculture
for obtaining Budget Clearance)

Hon. D. W. Bell, Acting Director,

Bureau of the Budget.

Dear Mr. Bell:

Pursuant to the requirement of Budget Circular 336, there is transmitted herewith for clearance a proposed report (or recommendation, or request, etc.) from this Department to the Chairman of the House Committee on Agriculture (or other Congressional addressee), concerning:

H.R._____. A Bill to _____
(cite title of Bill)

(Then follow with such paragraphs as may be necessary to give the Budget Bureau an understanding of the situation, except where that is accomplished by the report itself. In cases where bills have financial aspects not covered fully in the report it is essential to explain these for the information of the Budget Bureau.)

Sincerely,

Secretary.

3 Enclosures:
Signed Original and 2 carbons
of proposed report.

Note:

When presented for the Secretary's signature, reports or recommendations to be cleared will be accompanied by 7 carbons, as follows:

1 salmon carbon (used for initialing - retained in Secretary's File Room); 1 white carbon (retained in Secretary's File Room); 2 white carbons (to accompany the original to its final Congressional destination); 2 white carbons (for the Budget Bureau as required by Circular 336); 1 white carbon (to be returned by Secretary's File Room to the originating bureau when report finally cleared).

Letters of transmittal to the Budget Bureau will be accompanied by 4 carbons as follows:

1 salmon carbon (used for initialing - retained in Secretary's File Room); 1 white carbon (retained in Secretary's File Room); 1 white carbon (to be returned by Secretary's File Room to the bureau, showing date original sent to the Budget Bureau); 1 white carbon (to be sent by Secretary's File Room to the Director of Finance, showing date original sent to the Budget Bureau).

Sup. Order No. 428
Jan 6. Mh.

DEPARTMENT OF AGRICULTURE

WASHINGTON

January 3, 1936.

MEMORANDUM NO. 684

The Fiscal Regulations of the Department are hereby amended by the addition of the following regulation:

43. Preservation of Accounts and Records.- In addition to such accounting and fiscal records as may be maintained in the Washington, D. C. offices of the various bureaus, the following records shall be retained for a period of at least five years at each field station, office, or other point at which Departmental work is conducted throughout the year:

1) Copies of all purchase vouchers issued at that point and of supporting documents, including purchase orders, requisitions, copies of vendors' invoices unless purchase is itemized on voucher, and receiving records.

2) Copies of all payroll vouchers prepared by the station or office and of supporting documents, including time reports and time books.

3) Copies of all records and supporting documents pertaining to collections of funds including receipts, records of transmittal, certificates of deposit, and coupons, certificates, or other documents which form the basis for collections.

4) Copies of all records relating to sales, exchanges, or disposition otherwise of surplus products or materials, including prenumbered sales slips, production records, approved exchanges, correspondence relating to exchanges, etc.

The records referred to in the preceding paragraphs shall be maintained accurately, shall be kept current at all times, and shall be kept in such systematic order as to facilitate an audit or examination thereof.

Chiefs of the various bureaus and offices shall determine what additional records shall be maintained at field stations and in their accounting offices at Washington, D. C.

The accounts and records of those field stations or offices which are operated only a part of the year shall be forwarded to the bureau in Washington or to some other designated office in the field for safekeeping at such times as the official in charge believes desirable.

No record, account, document, or other official papers shall be destroyed until approval shall have been secured from the chief of the division of operation.

H A Wallace

Secretary

UNITED STATES DEPARTMENT OF AGRICULTURE

OFFICE OF THE SOLICITOR

No account or record shall be withdrawn from the files nor shall copies be furnished to any person unless approved by the official in charge of the station or office.

The accounts and records of those field stations or offices which are operated only a part of the year shall be forwarded to the bureau in Washington or to some other designated office in the field for safekeeping at such times as the official in charge believes desirable.

No record, account, document, or other official papers shall be destroyed until approval shall have been secured from the chief of the division of operation.

Secretary

mbw

UNITED STATES DEPARTMENT OF AGRICULTURE

OFFICE OF THE SOLICITOR

WASHINGTON, D. C.

DEC 19 1935

Mr. W. A. Jump,

Director of Finance.

Dear Mr. Jump:

I have your letter of December 13, 1935, with further reference to proposed Fiscal Regulation 43 and my objection to the first paragraph on the second page of your proposal, on the ground that such a provision would not make the records sufficiently accessible to responsible persons in the Department.

As you now state that there is to be included in the revised regulations a provision dealing specifically with investigators of field stations and offices, it appears that the basis for my objection has been removed. I therefore return proposed Fiscal Regulation 43 approved.

Very truly yours,

Martin G. White

Solicitor.

Enclosure
Regulation 43.

December 13, 1935.

Mr. Martin D. White

Solicitor

Dear Mr. White:

I wish to acknowledge receipt of your memorandum of December 12 disapproving the proposed amendment to the Fiscal Regulations relative to the preservation of accounts and records. After reviewing this matter and discussing it with several officials of the department, it appears that this office should have mentioned that a provision is to be included in the revised regulations dealing specifically with investigations of field stations and offices to be made by the division of investigations.

There are numerous practical objections to the inclusion of any limiting clause in the paragraph to which you have objected. It would be almost impossible, as we see it, to authorize representatives of the division of investigations, the General Accounting Office, representatives of Congressional committees, representatives of the Secretary's office, or other responsible officials to withdraw files or have copies of them made without complicating the regulation unduly.

In view of the special need for a regulation of this character, may I request that you reconsider your decision in this instance?

Very truly yours,

W. A. JUMP
Director of Finance

December 13, 1978.

McKinley Order # 449

January 3, 1936.

MEMORANDUM NO. 685

Handling of correspondence in regard to the Trade Agreements Program.

It is the desire of the Committee for Reciprocity Information, which is directed by the President to receive information concerning the trade agreements program, that correspondence received by other Government Departments relative to this program should be called to its attention. The committee will include a resume of this material in its weekly reports and in this way will present to all Departments concerned a complete record of the correspondence with reference to trade agreements.

It is accordingly directed that extra copies of all answers to letters received in this Department having to do with the trade agreements program, either in connection with countries with which agreements have been completed or are pending, or are yet to be undertaken, shall be made for the Committee for Reciprocity Information. These extra copies shall be plainly marked "For the Committee for Reciprocity Information". After the letters in question are mailed, the extra copies shall be sent to the Foreign Agricultural Service Division, Bureau of Agricultural Economics (Room 3851, South Building), a member of which Division represents the Department on the Committee for Reciprocity Information and will see that such copies are regularly forwarded to the Committee.

H A Wallace

Secretary.

UNITED STATES DEPARTMENT OF AGRICULTURE

BUREAU OF AGRICULTURAL ECONOMICS

WASHINGTON, D. C.

January 3, 1936.

MEMORANDUM FOR THE SECRETARY

Dear Mr. Secretary:

A recent letter from Mr. Thomas Walker Page, Chairman of the Committee for Reciprocity Information, to Mr. L. A. Wheeler of this Bureau, requests that arrangements be made to see that the Committee is provided with copies of correspondence answered by this Department in regard to the trade agreements program. A similar request is being made of the Departments of State and Commerce and the Tariff Commission. The Committee proposes to summarize such correspondence and distribute it to the various Departments represented on the Committee.

Much of the correspondence relating to trade agreements answered by this Department has been going through our Foreign Agricultural Service Division which has been forwarding copies of replies to such correspondence to the Committee for Reciprocity Information. It has been found, however, that a substantial part of the correspondence relating to trade agreements is not answered in this Bureau and it is, therefore, recommended that instructions along the line of the attached draft be issued so that copies of replies to all such correspondence received in the Department may be made available to the Committee.

Sincerely yours,

A. G. Black,
Chief of Bureau.

Enclosure.

DEPARTMENT OF AGRICULTURE

WASHINGTON

Bulletin #463

Jan. 14, 1936

MEMORANDUM NO. 686

Coordination and Development of Research in the United States Government

For the information and guidance of all members of the Department, there is quoted below a memorandum addressed by the President of the United States to the Scientific Agencies of the Federal Government under date of December 26, 1935:

"In order better to provide for the coordination and development of scientific research in the United States Government, the following steps have been taken:

"The National Academy of Sciences has set up the Government Relations and Scientific Advisory Committee, replacing the earlier Committee on Government Relations and taking over the work of the former Science Advisory Board, and all pertinent communications relating to Government scientific research addressed to the Academy will be referred to this Committee.

"The President's National Resources Committee has set up with my approval an Advisory Science Committee composed of persons designated by the American Council on Education, the National Academy of Science, and the Social Science Research Council, for the consideration of the broader long time scientific problems of natural and human resources.

"These Committees are available to assist Federal department bureaus or other agencies on appropriate questions and all administrative agencies of the Federal Government are hereby requested to cooperate with them."

All correspondence relating to these matters with respect to the various bureaus and offices of the Department of Agriculture will be prepared for the signature of the Secretary of Agriculture.

M L Wilson

Acting Secretary.

1/10

Mr. Jump -

Dr. B. says that the secretary may have some reservations as to the actions of the Committee referred to; hence thought it might be well to have communications thereto signed by the secy.

E. S.

FINANCIAL PROJECT

PART 1: INFORMATION

1. Proje
2. Divis
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roject:

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NATIONAL RESOURCES COMMITTEE
INTERIOR BUILDING
WASHINGTON

Dr Bressman: 1/9-35. Mr Spencer: Please minute this attached & the communication & the memorandum to the committees be printed for sig. C. E.N.B.

January 3, 1936

The Honorable,
The Secretary of Agriculture,
Washington, D. C.

My dear Mr. Secretary:

In accordance with the request by the President of December 26, 1935, the attached memorandum to the scientific agencies of the Federal Government is being circulated by the National Resources Committee.

Additional copies of the memorandum may be obtained from this office.

Sincerely yours,

Charles W. Eliot 2nd

Charles W. Eliot 2nd, Executive Officer

For the Chairman

encls.

THE WHITE HOUSE
WASHINGTON

December 26, 1935.

MEMORANDUM

TO THE SCIENTIFIC AGENCIES OF THE FEDERAL GOVERNMENT:

In order better to provide for the coordination and development of scientific research in the United States Government, the following steps have been taken:

The National Academy of Sciences has set up the Government Relations and Scientific Advisory Committee, replacing the earlier Committee on Government Relations and taking over the work of the former Science Advisory Board, and all pertinent communications relating to Government scientific research addressed to the Academy will be referred to this Committee.

The President's National Resources Committee has set up with my approval an Advisory Science Committee composed of persons designated by the American Council on Education, the National Academy of Science, and the Social Science Research Council, for the consideration of the broader long time scientific problems of natural and human resources.

These Committees are available to assist Federal department bureaus or other agencies on appropriate questions and all administrative agencies of the Federal Government are hereby requested to cooperate with them.

Franklin D. Roosevelt

DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C.

Ordered 3/2/36 #545

March 2, 1936.

MEMORANDUM NO. 687

Designation of Agency to Administer Sections 7-14 of the Soil Conservation and Domestic Allotment Act.

Pursuant to the provisions of Section 13 of the Soil Conservation and Domestic Allotment Act, the Agricultural Adjustment Administration is hereby authorized and directed, under the administrative procedures of the Department and such plans and special procedures as may be approved by the Secretary of Agriculture from time to time, to execute the powers conferred upon the Secretary of Agriculture in Sections 7 to 14, inclusive, of the said Act. In the administration of such sections, Chester C. Davis, the Administrator, is authorized and directed to utilize the services of the personnel and the books, files, records, papers, equipment and all other property of the Agricultural Adjustment Administration.

H A Wallace

Secretary.

DEPARTMENT OF AGRICULTURE

WASHINGTON

March 6, 1936.

Memorandum No. 688

THE FEDERAL REGISTER ACT

Sections 5 (a) and 5 (b) of the Federal Register Act (Public No. 220, 74th Congress, approved July 26, 1935), read as follows:

"Sec. 5 (a) There shall be published in the Federal Register (1) all Presidential proclamations and Executive orders, except such as have no general applicability and legal effect or are effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof; (2) such documents or classes of documents as the President shall determine from time to time have general applicability and legal effect; and (3) such documents or classes of documents as may be required so to be published by Act of the Congress; Provided, That for the purposes of this Act every document or order which shall prescribe a penalty shall be deemed to have general applicability and legal effect.

(b) In addition to the foregoing there shall be published in the Federal Register such other documents or classes of documents as may be authorized to be published pursuant hereto by regulations prescribed hereunder with the approval of the President, but in no case shall comments or news items of any character whatsoever be authorized to be published in the Federal Register."

1. Preparation of documents: In accordance with the sections mentioned above and Section VII of the regulations issued by the Division of the Federal Register, The National Archives, and approved by the President under date of March 2, 1936, every order or document having general applicability and legal effect, or authorized to be published in the Federal Register by regulations approved by the President, shall be prepared and handled as follows:

(a) A suitable title shall be provided.
(b) The authority under which the document is promulgated shall be cited in the body thereof.
(c) Punctuation, capitalization, orthography, and other matters of style, shall conform to the most recent edition of the "Style Manual of the United States Government Printing Office."
(d) The spelling of geographic names shall conform to the most recent official decisions made pursuant to Executive Orders No. 27-A, of September 4, 1890, No. 399 of January 23, 1906, and No. 6680 of April 17, 1934.

(e) Descriptions of tracts of lands shall conform, so far as practicable, with the most recent edition of the Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations, published by the Federal Board of Surveys and Maps.

(f) All documents shall be typewritten on paper 8 by 12½ inches, shall have a left-hand margin of approximately 2 inches and a right-hand margin of approximately 1 inch, and shall be double-spaced, except the quotations, tabulations, or descriptions of land may be single-spaced.

(g) There shall be attached to the original or confirmed copy, except Executive orders and proclamations, three certified copies thereof.

2. Number of copies: Seven copies shall be prepared; an original and six carbon copies, which shall be plainly legible. One of the carbon copies shall be on salmon color paper and shall bear the initials of the officials of the Department of Agriculture responsible for its preparation and issuance, and shall be transmitted to the Secretary's file room for forwarding to the Division of the Federal Register, National Archives Establishment, for stamping and return to the Department of Agriculture.

3. Submission to Solicitor: The documents shall be submitted to the Solicitor of the Department who will indicate on the slip attached in the originating office whether the order or document is required to be published in the Federal Register, for the guidance of the officer in charge of the Secretary's file room. For this purpose, in submitting orders or documents to the Solicitor for review, the bureau, division or office of origin shall attach a slip, which shall be prepared for this purpose, indicating that the document is, or is not, in its opinion, for consideration as to whether it is proper for submission for publication in the Federal Register.

4. Signature and transmission: The original of the orders and other documents described above shall be signed by the Secretary or Acting Secretary of Agriculture. When signed, the original and copies of these orders or documents shall be transmitted to the Secretary's file room, and it shall be the duty of the officer in charge of the Secretary's file room to insert the date on these orders and documents and, after the official seal of the Department is affixed, transmit the original and three certified copies, one of which shall be on salmon color paper, immediately by special messenger, to the Division of the Federal Register, National Archives Establishment. The Division of the Federal Register will be requested to place its stamp upon the salmon color copy and return it by messenger to the Department of Agriculture.

5. Certification and affixation of seal: The documents shall be certified and the official seal of the Department affixed in accordance with Sections VIII and IX of the regulations of the Division of the Federal Register.

6. Method of filing: The salmon color certified copy and one copy of each order or document shall be retained in the Secretary's file room and one copy shall be returned to the bureau, division or office in which it originated.

R G Tugwell

Acting Secretary.

March 6, 1936.

Memorandum No. 688

THE FEDERAL REGISTER ACT

Sections 5 (a) and 5 (b) of the Federal Register Act (Public No. 220, 74th Congress, approved July 26, 1935), read as follows:

"Sec. 5 (a) There shall be published in the Federal Register (1) all Presidential proclamations and Executive orders, except such as have no general applicability and legal effect or are effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof; (2) such documents or classes of documents as the President shall determine from time to time have general applicability and legal effect; and (3) such documents or classes of documents as may be required so to be published by Act of the Congress; Provided, That for the purposes of this Act every document or order which shall prescribe a penalty shall be deemed to have general applicability and legal effect.

(b) In addition to the foregoing there shall be published in the Federal Register such other documents or classes of documents as may be authorized to be published pursuant hereto by regulations prescribed hereunder with the approval of the President, but in no case shall comments or news items of any character whatsoever be authorized to be published in the Federal Register."

1. Preparation of documents: In accordance with the sections mentioned above and Section VII of the regulations issued by the Division of the Federal Register, The National Archives, and approved by the President under date of March 2, 1936, every order or document having general applicability and legal effect, or authorized to be published in the Federal Register by regulations approved by the President, shall be prepared and handled as follows:

(a) A suitable title shall be provided.
(b) The authority under which the document is promulgated shall be cited in the body thereof.
(c) Punctuation, capitalization, orthography, and other matters of style, shall conform to the most recent edition of the Style Manual of the United States Government Printing Office."
(d) The spelling of geographic names shall conform to the most recent official decisions made pursuant to Executive Orders No. 27-A, of September 4, 1890, No. 339 of January 27, 1906, and No. 6680 of April 17, 1934.

March 6, 1936.

Memorandum No. 888

THE FEDERAL REGISTER ACT

Sections 5 (a) and 5 (b) of the Federal Register Act (Public No. 220, 74th Congress, approved July 26, 1935), read as follows:

"Sec. 5 (a) There shall be published in the Federal Register (1) All presidential proclamations and Executive orders, except those as have no general applicability and legal effect or are addressed to specified Federal agencies or persons or to their property as affecting, directly, or employees thereof; (2) such documents or classes of documents as the President shall determine from time to time to have general applicability and legal effect; and (3) such documents or classes of documents as may be required so to be published by law or by the President; provided, that for the purposes of this act, any document or order which relates to a specified person or property shall be deemed to have general applicability and legal effect.

(b) In addition to the foregoing there shall be published in the Federal Register such other documents or classes of documents as may be required so to be published by law or by the President; provided, however, that nothing in this act shall be construed to authorize the publication in the Federal Register of any rules of any agency or any other matter which is not required by law to be published in the Federal Register."

I. Preparation of documents: In accordance with the sections quoted above and section 201 of the administrative code of the Federal Register, the National Archives, and by order of the President under date of June 7, 1935, where order or document possesses general applicability and legal effect, or authorizes or requires to be filed with the Federal Register by regulations approved by the President, shall be prepared and handled as follows:

(a) A suitable title shall be provided.

(b) The authority under which the document is promulgated shall be cited in the body thereof.

(c) Punctuation, capitalization, abbreviations, and other matters of style, shall conform to the most recent edition of the Style Manual of the United States Government Printing Office.

(d) The seal of the Archivist of the United States shall be affixed to the last page of each document to be published in the Federal Register, pursuant to Executive Order No. 6930 of April 17, 1934.

(e) Descriptions of tracts of lands shall conform, so far as practicable, with the most recent edition of the Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations, published by the Federal Board of Surveys and Maps.

(f) All documents shall be typewritten on paper 8 by 13½ inches, shall have a left-hand margin of approximately 2 inches and a right-hand margin of approximately 1 inch, and shall be double-spaced, except the quotations, tabulations, or descriptions of land may be single-spaced.

(g) There shall be attached to the original or confirmed copy, except Executive orders and proclamations, three certified copies thereof.

2. Number of copies: Seven copies shall be prepared; an original and six carbon copies, which shall be plainly legible. One of the carbon copies shall be on salmon color paper and shall bear the initials of the officials of the Department of Agriculture responsible for its preparation and issuance, and shall be transmitted to the Secretary's file room for forwarding to the Division of the Federal Register, National Archives Establishment, for stamping and return to the Department of Agriculture.

3. Submission to Solicitor: The documents shall be submitted to the Solicitor of the Department who will indicate on the slip attached in the originating office whether the order or document is required to be published in the Federal Register, for the guidance of the officer in charge of the Secretary's file room. For this purpose, in submitting orders or documents to the Solicitor for review, the bureau, division or office of origin shall attach a slip, which shall be prepared for this purpose, indicating that the document is, or is not, in its opinion, for consideration as to whether it is proper for submission for publication in the Federal Register.

4. Signature and transmission: The original of the orders and other documents described above shall be signed by the Secretary or Acting Secretary of Agriculture. Then signed, the original and copies of these orders or documents shall be transmitted to the Secretary's file room, and it shall be the duty of the officer in charge of the Secretary's file room to insert the date on these orders and documents and, after the official seal of the Department is affixed, transmit the original and three certified copies, one of which shall be on salmon color paper, immediately by special messenger, to the Division of the Federal Register, National Archives Establishment. The Division of the Federal Register will be requested to place its stamp upon the salmon color copy and return it by messenger to the Department of Agriculture.

5. Certification and affixation of seal: The documents shall be certified and the official seal of the Department affixed in accordance with Sections VIII and IX of the regulations of the Division of the Federal Register.

6. Method of filing: The salmon color certified copy and one copy of each order or document shall be retained in the Secretary's file room and one copy shall be returned to the bureau, division or office in which it originated.

Secretary's File Room
(Signed)
R. G. Tugwell
Acting Secretary.

5. Certification and affirmation of work: The documents shall be certified and the original seal of the Department affixed in accordance with Sections 1111 and 17 of the regulations of the Division of the Federal Register.

6. Method of filing: The minimum number of copies and one copy of each order or document shall be required in the Secretary's file room and one copy shall be returned to the bureau, division or office in which it originated.

Secretary's file room
3rd ed.

Acting Secretary.

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SOLICITOR
WASHINGTON, D. C.

MAR - 4 1936

Mr. J. T. Haley,

Chief, Division of Operation.

Dear Mr. Haley:

I have your proposed memorandum to be promulgated by the Secretary relating to the filing with the Federal Register Division of documents referred to in Sections 5(a) and 5(b) of the Federal Register Act.

I suggest that the fourth paragraph on the first page include reference to the documents referred to in section 5(b), so that it will read

> "In accordance with the sections mentioned above, every order or document having general applicability and legal effect or authorized to be published in the Federal Register by regulations approved by the President shall be prepared and handled as follows:"

The last paragraph, numbered (2), on the page should also be sufficiently comprehensive in scope to embrace within its provisions those documents mentioned in section 5(b), so that it will read, beginning with the third line

> "in the originating office whether the order or document is required to be published in the Federal Register * * *."

With reference to the paragraph numbered (3) on the second page, while the Federal Register Act requires only that the original and two duplicate originals or certified copies shall be forwarded to the Division of the Federal Register, I notice that you have made provision for three certified copies, one of which shall be on salmon colored paper, and provide further that after being stamped by the Division of the Federal Register the third copy shall be returned to this Department. I see no objection to provision being made for a third certified copy, provided the Division of the Federal Register is willing to handle it.

Very truly yours,

Martin G. White

Solicitor.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

I have your proposed memorandum to be promulgated by the Secretary relating to the filing with the Federal Register Division [illegible].

I suggest that the fourth paragraph on the first page include reference to the documents referred to in section 5(c), so [illegible]

> [illegible]
> [illegible]
> publication and legal effect on authorized to be published in the Federal Register by regulations approved by the President shall be prepared and handled as follows:"

The last paragraph, numbered (3), on the page should also be [illegible] comprehensive in scope to include [illegible] the publication these documents mentioned in section 5(b), so that it will read, beginning with the third line

> "in the originating office with the order or document is required to be published in [illegible]

[illegible] copies, while the Federal Register Act requires only that the original and two duplicate originals or certified copies shall be forwarded to the Division of the Federal Register, I notice that you have made provision for three certified copies, one of which shall be on [illegible] colored paper, and provide further that after being stamped by the Division of the Federal Register the third copy shall be returned to this Department. I see no objection to provision being made for a [illegible] is willing to handle it.

[illegible]

Every proposed ~~Executive Order, proclamation, or document~~ document or order originating in the Department mentioned in the sections quoted above shall be prepared and handled as follows:

DEPARTMENT OF AGRICULTURE

WASHINGTON

Memorandum No.

THE FEDERAL REGISTER ACT

Sections 5 (a) and 5 (b) of the Federal Register Act (Public No. 220, 74th Congress, approved July 26, 1935), read as follows:

"Sec. 5 (a) There shall be published in the Federal Register (1) all Presidential proclamations and Executive orders, except such as have no general applicability and legal effect or are effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof; (2) such documents or classes of documents as the President shall determine from time to time have general applicability and legal effect; and (3) such documents or classes of documents as may be required so to be published by Act of the Congress; Provided, That for the purposes of this Act every document or order which shall prescribe a penalty shall be deemed to have general applicability and legal effect. [illegible]

(b) In addition to the foregoing there shall be published in the Federal Register such other documents or classes of documents as may be authorized to be published pursuant hereto by regulations prescribed hereunder with the approval of the President, but in no case shall comments or news items of any character whatsoever be authorized to be published in the Federal Register."

1. Preparation of documents:
In accordance with the sections mentioned above, every order or document having general applicability and legal effect shall be prepared and handled as follows: Insert 1(a) to 1(f) [illegible]

2. ~~(1)~~ Number of copies: Seven copies shall be prepared; an original and six carbon copies, which shall be plainly legible. One of the carbon copies shall be on salmon color paper and shall bear the initials of the officials of the Department of Agriculture responsible for its preparation and issuance, and shall be transmitted to the Secretary's file room for forwarding to the Division of the Federal Register, National Archives Establishment, for stamping and return to the Department of Agriculture.

3. ~~(2)~~ Submission to Solicitor: The documents shall be submitted to the Solicitor of the Department who will indicate on the slip attached in the originating office whether the order or document is ~~of general applicability or legal effect and~~ required to be published in the Federal Register, for the guidance of the officer in charge of the Secretary's file room. For this purpose, in submitting orders or documents to the

Sections 3 (a) and 5 (a) of the General Register Act (Public No. 240, 76th Congress, approved July 26, 1940), read as follows:

"Sec. 3 (a) Facts shall be published in the Federal Register (1) all Presidential proclamations and executive orders, except those having no general applicability and legal effect or are administrative in character, (2) regulations or amendments to them adopted by agencies, (3) documents or classes of documents that may be required so to be published by Act of Congress; (4) documents or classes of documents that the President shall determine from time to time have general applicability and legal effect; and (5) such documents or classes of documents as may be required so to be published by Act of Congress; Provided, that the purposes of this Act shall be deemed to have been fully accomplished if such documents are published in any other form or manner prescribed by law.

(b) In addition to the foregoing there shall be published in the Federal Register such other documents or classes of documents as may be authorized to be published thereunder upon requests by executive agencies with the approval of the President, but in no case shall documents or rules of any character whatsoever be considered to be published in the Federal Register."

In accordance with the aforementioned powers, every order or document having general applicability and legal effect shall be prepared and handled as follows:

(1) Manner of publication: Seven copies shall be prepared; an original and six copies on bond, which shall be plainly legible, one of the copies on blue shall be on safety color paper and shall have the initials of the Chief of the Department of Agriculture or the Secretary of the Department, one copy shall be transmitted to the Secretary of the Senate, for transmittal to the Congressional Record, one copy to the Secretary of the Federal Register, one copy to the Administrative Reviews Section, for storage and return to the Department.

(2) Transmittal to Solicitor: The documents shall be accompanied by a letter from the Department who will indicate on the letter the [illegible] which are required to be published in the Federal Register, [illegible] of the officer in charge of the Secretarial [illegible] in addition, in addition orders or documents to the

Solicitor for review, the bureau, division or office of origin shall attach a slip, which shall be prepared for this purpose, indicating that the document is, or is not, in its opinion, for consideration as to whether it is proper for submission for publication in the Federal Register.

~~(3)~~ Signature and transmission: The original of the orders and other documents described above shall be signed by the Secretary or Acting Secretary of Agriculture. When signed, the original and copies of these orders or documents shall be transmitted to the Secretary's file room, and it shall be the duty of the Officer in Charge of the Secretary's file room to insert the date on these orders and documents and transmit the original and three certified copies, one of which shall be on salmon color paper, immediately, by special messenger, to the Division of the Federal Register, National Archives Establishment. The ~~messenger will request the~~ Division of the Federal Register to place its stamp upon the salmon color copy and return it by messenger to the Department of Agriculture.

~~(4)~~ Method of filing: The salmon color certified copy and one copy of each order or document shall be retained in the Secretary's file room and one copy shall be returned to the bureau, division or office in which it originated.

Secretary.

U. S. DEPARTMENT OF AGRICULTURE
OFFICE OF BUDGET AND FINANCE
WASHINGTON, D. C.

.....Feb. 28.....,1936

MR. HALEY:

There are just two minor amendments which I would suggest: Add on page 2, section 2, 7th line, after the words bureau, division, or office, "of origin," and on page 2, section 2, line 8, after the words the document is, "or is not."

This sentence would then read:

"For this purpose, in submitting orders or documents to the Solicitor for review, the bureau, division, or office of origin shall attach a slip, which shall be prepared for this purpose, indicating that the document is or is not, in its opinion, for consideration as to whether it is proper for submission for publication in the Federal Register.

W. A. J.

H L M

DEPARTMENT OF AGRICULTURE
WASHINGTON

MEMORANDUM NO. ____

The Federal Register Act

Sections 5 (a) and 5 (b) of the Federal Register Act (Public No. 220, 74th Congress, approved July 26, 1935), read as follows:

"Sec. 5 (a) There shall be published in the Federal Register (1) all Presidential proclamations and Executive orders, except such as have no general applicability and legal effect or are effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof; (2) such documents or classes of documents as the President shall determine from time to time have general applicability and legal effect; and (3) such documents or classes of documents as may be required so to be published by Act of the Congress: Provided, That for the purposes of this Act every document or order which shall prescribe a penalty shall be deemed to have general applicability and legal effect.

(b) In addition to the foregoing there shall be published in the Federal Register such other documents or classes of documents as may be authorized to be published pursuant hereto by regulations prescribed hereunder with the approval of the President, but in no case shall comments or new items of any character whatsoever be authorized to be published in the Federal Register."

In accordance with the sections mentioned above, every order or document having general applicability and legal effect shall be prepared and handled as follows:

(1) Number of copies: Seven copies shall be prepared; an original, ~~three duplicate originals~~, which shall be ~~so marked and~~ plainly legible and ~~three~~ carbon copies. One of the ~~duplicate originals~~ shall be on salmon color paper and shall bear the initials of the officials of the Department of Agriculture responsible for its preparation and issuance, and shall be transmitted to the Secretary's file room for forwarding to the Division of the Federal Register, National Archives Establishment, for stamping and return to the Department of Agriculture.

(2) Submission to Solicitor: The documents shall be submitted to the Solicitor of the Department who will indicate on the slip attached in the originating office whether the order or document is of general applicability or legal effect and required to be published in the Federal Register, for the guidance of the officer in charge of the Secretary's file room. For this purpose, in submitting orders or documents to the Solicitor for review, the bureau, division or office shall attach a slip, which shall be prepared for this purpose, indicating that the document is, in its opinion, for consideration as to whether it is proper for submission for publication in the Federal Register.

(3) Signature and transmission: The original ~~and three duplicate originals~~ of the orders and other documents described above shall be signed by the Secretary or Acting Secretary of Agriculture. When signed, the original, ~~duplicate originals~~ and ~~other~~ copies of these orders or documents shall be transmitted to the Secretary's file room, and it shall be the duty of the Officer in Charge of the Secretary's file room to insert the date on these orders and documents and transmit the original and three ~~duplicate originals~~, one of which shall be on salmon color paper, immediately, by special messenger, to the Division of the Federal Register, National Archives Establishment. The messenger will request the Division of the Federal Register to place its stamp upon the salmon color ~~duplicate original~~ and return it to the Department of Agriculture.

(4) Method of filing: The salmon color ~~duplicate original~~ and one copy of each order or document shall be retained in the Secretary's file room and one copy shall be returned to the bureau, division or office in which it originated.

FEDERAL REGISTER DOCUMENT

Title of document: Secretary.

Originating office:

This document is for publication
is not

in the Federal Register.

Solicitor.

DEPARTMENT OF AGRICULTURE
WASHINGTON

Ordered #347 5/19/36

FILE HERRELL

OCT 16

May 19, 1936.

the Secretary's

AMENDMENT TO MEMORANDUM NUMBER 688

After a study of the Federal Register Act the Solicitor of the Department recommends, in order to avoid any difficulties that may be encountered in connection with the admission in evidence, in a State court, of certified copies, that all documents filed in the Division of the Federal Register for publication in the Federal Register be executed in duplicate and the duplicate original be retained in the files of the Department. In accordance with this recommendation, paragraphs 2, 4 and 6 of Secretary's Memorandum No. 688, dated March 6, 1936, are hereby amended to read as follows:

Paragraph 2. Number of copies: Seven copies shall be prepared; an original, a duplicate original and five carbon copies, which shall be plainly legible. One of the carbon copies shall be on salmon color paper and shall bear the initials of the officials of the Department of Agriculture responsible for its preparation and issuance.

Paragraph 4. Signature and transmission: The original and duplicate original of the orders and other documents described above shall be signed by the Secretary or the Acting Secretary of Agriculture. When signed, the originals and copies of these orders or documents shall be transmitted to the Secretary's File Room, and it shall be the duty of the Officer in Charge of the Secretary's File Room to insert the date on these orders and documents and, after the official seal of the Department is affixed, transmit an original and three certified copies, one of which shall be on salmon color paper, immediately by special messenger, to the Division of the Federal Register, National Archives Establishment. The Division of the Federal Register will be requested to place its stamp upon the salmon color copy and return it by messenger to the Department of Agriculture.

Paragraph 6. Method of filing: The salmon color certified copy and one copy of each order or document shall be retained in the Secretary's file room and the duplicate original and one copy shall be returned to the bureau, division or office in which it originated.

H A Wallace

Secretary.

OFFICE OF

THE SECRETARY OF AGRICULTURE

2-10-43

Mr. Scott, Sol
2015 South

I thought you might be interested in the Solicitor's memo of 4-4-36 & the Secretary's, in the attached file, although probably you have seen it. Will you return the file to me.

John Thurston

Thanks very much

E. J. Scott

Filed memo 688

4-5-36

May 8, 1936

MEMO. FOR SECRETARY

Re: Execution in duplicate of documents filed with the Division of the Federal Register.

FORM NO. AAA-OS-50

DEPARTMENT OF AGRICULTURE
WASHINGTON

AMENDMENT TO MEMORANDUM NUMBER 688

Paragraphs 2, 4 and 6 of the Secretary's Memorandum No. 688, dated March 6, 1936, are hereby amended to read as follows:

Paragraph 2. Number of copies: Seven copies shall be prepared; an original, a duplicate original and five carbon copies, which shall be plainly legible. One of the carbon copies shall be on salmon color paper and shall bear the initials of the officials of the Department of Agriculture responsible for its preparation and issuance.

Paragraph 4. Signature and transmission: The original and duplicate original of the orders and other documents described above shall be signed by the Secretary or the Acting Secretary of Agriculture. When signed, the originals and copies of these orders or documents shall be transmitted to the Secretary's File Room, and it shall be the duty of the Officer in Charge of the Secretary's File Room to insert the date on these orders and documents and, after the official seal of the Department is affixed, transmit an original and three certified copies, one of which shall be on salmon color paper, immediately by special messenger, to the Division of the Federal Register, National Archives Establishment. The Division of the Federal Register will be requested to place its stamp upon the salmon color copy and return it by messenger to the Department of Agriculture.

Paragraph 6. Method of filing: The salmon color certified copy and one copy of each order or document shall be retained in the Secretary's file room and the duplicate original and one copy shall be returned to the bureau, division or office in which it originated.

H A Wallace

Secretary.

UNITED STATES DEPARTMENT OF AGRICULTURE

OFFICE OF THE SOLICITOR

WASHINGTON, D. C.

APR 4 1936

Mr. Hiley
F.R. no
Have prepared
PHH

MEMORANDUM FOR THE SECRETARY

Re: Execution in duplicate of documents filed with the Division of the Federal Register.

Dear Mr. Secretary:

The Federal Register Act now in operation requires that certain documents executed by you be filed in the Division of the Federal Register for publication in the Federal Register. That act also provides that courts shall judicially notice the contents of the Federal Register. This congressional mandate, that it is not necessary to introduce in evidence either the originals or certified copies of the documents published in the Federal Register, is binding only on Federal courts. Judicial notice is a rule of evidence and the law of the forum governs its application. This means that only the State legislature can require courts within the State to take judicial notice of matters which the courts do not notice as a matter of common law. Many State courts have taken judicial notice of regulations and orders issued by heads of executive departments of the Federal government. There are a few States, however, that refuse to do so.

State courts (and the same is true of the Federal courts) generally give the same treatment to certified copies of original documents in the department which they would give to originals properly proved. Many State courts admit in evidence certified copies of documents in the department without consideration of legislative requirement. The State courts which require legislative authority for the admission in evidence of certified copies of departmental documents demand strict compliance with the statutory provisions. Section 661 of the Judicial Code (U. S. Rev. Stat.) prescribes that certified copies of documents <u>in the department</u> shall be admitted in evidence when under the seal of the department.

If the original document is filed in the Division of the Federal Register and only a copy is retained in the files of the department, difficulty may be encountered in connection with the admission in evidence, in a State court, of certified

filed with the Division of the
Federal Register.

copies of documents filed in the Division of the Federal Register--at least so long as there is no statute authorizing the Archivist to execute certificates as to documents on file in the Division of the Federal Register.

To avoid such eventuality I recommend that all documents filed in the Division of the Federal Register for publication in the Federal Register be executed in duplicate and the duplicate originals be retained in the files of the department. If you choose to follow this recommendation, it is suggested that Mr. Haley be directed to issue proper instructions. Documents not filed in the Division of the Federal Register need not be executed in duplicate.

Respectfully yours,

Martin E. White

Solicitor.

copies of documents filed in the Division of the Federal Register--at least as long as there is some question concerning the authority to execute certificates as to documents on file in the Division of the Federal Register.

To avoid such eventuality I recommend that all documents filed in the Division of the Federal Register for publication in the Federal Register be executed in duplicate and certificates originally be retained in the files of the Department. If you choose to follow this recommendation, it is suggested that it may be directed to issue proper instructions. Documents now filed in the Division of the Federal Register need not be executed in duplicate.

Respectfully yours,

Solicitor.

Designated Director of Research for Dept, effective March 16, 1936, under Secretary Memo. No. 689. dated March 16, 1936.

UNITED STATES DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

WASHINGTON, D. C.

Sec #581

March 16, 1936. 3-16-36

MEMORANDUM NO. 689

689

Designation of Director of Research

The general administration of the Bankhead-Jones Act, approved June 29, 1935 (49 Stat. pp. 436-439), has been assigned to the Office of Experiment Stations. This will include the planning and coordination of the research program of the Department under the "Special Research Fund" and the supervision of the payments to the State Agricultural Experiment Stations.

These activities, together with the increased emphasis now being given to the regional approach to major research problems, indicate the necessity of having a central authority in the Department to promote cooperation in the planning and coordination of research, both within the Department and with the States and other agencies participating in agricultural research. To meet this need, the Chief of the Office of Experiment Stations is hereby designated Director of Research for the Department.

The Director of Research will have general direction of the planning, development and coordination of the research program of the Department, and will cooperate with the bureaus in the planning and execution of research work. He will continue to be responsible for present activities of the Office of Experiment Stations, including the administration of Federal grants to the states for the agricultural experiment stations, the coordination of research of the states under these grants, and the coordination of such projects with research of the Department along the same lines.

H A Wallace

Secretary.

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF BUDGET AND FINANCE
WASHINGTON, D.C.

March 2, 1936.

~~1. Mr. Eisenhower~~
~~2. Dr. Stockberger~~
~~3. Solicitor~~
~~4. Assistant Secretary~~
5. ~~Mr. Appleby~~ PAH

As you know, when the Budget Estimates for 1937 were being revised the Secretary gave instructions to effect an arrangement whereby Dr. Jardine would administer the Bankhead-Jones funds and would also assume the duties of Director of Research. This was in lieu of an arrangement which had been included in the estimates for an additional Assistant Secretary in charge of research work, but which the Secretary decided not to press because of legal and other complications which were considered by the Secretary at the time but which presumably need not be repeated here. The Secretary, the Assistant Secretary, and Dr. Jardine discussed this matter and it was agreed that formal action had best be deferred until the Department had a definite indication of the action which the Congress would take on the increase of $1,000,000 for 1937 under the authorizations in the Bankhead-Jones Act, both for the Special Research Fund and for Payments to the States, and upon an amendment which the Secretary authorized to be included in the appropriation language of the Office of Experiment Stations under which that office would be authorized to "coordinate the research work of the Department of Agriculture" and a small increase in regular administrative funds ($5,500) to assist in that function. The Agricultural Appropriation Bill for 1937 as passed by the House last week includes all of these items.

This being the case, I attach for your initials (or changes), and for the Secretary's consideration, a draft of a memorandum which will cover the matter of a director of research on the basis of my understanding of the manner in which the Secretary desires to handle the matter. Of course, the Secretary may wish to revise this memorandum.

At the time this was being considered, the Secretary indicated that the position of Chief of the Office of Experiment Stations and Director of Research ought to be classified on the same basis (Grade P-8, entrance salary $8,000) as the former position of Director of Scientific Work. This is the same grade in which the chiefs of all of the bureaus of the Department are placed, with ~~one~~ 2 exceptions. The position of Chief of the Office of Experiment Stations is now in Grade P-7 (entrance salary $6,500). The present incumbent receives $7,500. If Dr. Stockberger concurs, from the personnel and classification standpoint, and if the Secretary signs the attached memorandum designating the Director of Research, I suggest that at the same time he indicate his formal approval of the change in classification desired as above indicated.

BKHaw

WAJ

UNITED STATES DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

WASHINGTON

January 12, 1942

MEMORANDUM NO. 689, Supplement 1

Abolishing Position of Director of Research

The position of Director of Research of the Department of Agriculture is abolished.

Claude R. Wickard

Secretary

ORGANIZATION
Research, Director of, position abolished
Position of Director of Research abolished

Not duplicated or distributed - see note on file copy.

UNITED STATES DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

WASHINGTON, D. C.

April 6, 1936.

MEMORANDUM NO. 690

Subject: Designation of persons for the purpose of certifying to the unavailability of articles, materials, or supplies, of domestic origin.

References: Section 2, Title III, Act of March 3, 1933 (47 Stat. 1520). Comptroller General's decision A-69916, March 6, 1936.

The following officers and employees of the Department of Agriculture are hereby authorized and directed to determine and certify to facts in connection with the procurement for public use of articles, materials, or supplies, if such articles, materials, or supplies, or those from which they are manufactured, as the case may be, are not mined, produced or manufactured in the United States in sufficient and reasonably available commercial quantities and of satisfactory quality:

Chiefs and Directors of bureaus and offices
Chief, Division of Purchase, Sales and Traffic
Chief, Central Supply Section
Officers and employees lawfully acting in the capacity of any of the above officials.

Each officer or employee to whom the above authority is delegated will support his certification in connection with the procurement of such articles, materials, or supplies, with a statement of the facts upon which such certificate is based and will be held responsible for the accuracy of any such statement and certification.

Acting Secretary.

COMPTROLLER GENERAL OF THE UNITED STATES

Washington

A-69916 March 6, 1936.

The Honorable,

The Secretary of Agriculture.

Sir:

There has been received your letter of January 11, 1936, as follows:

"Notices of Amounts Suspended or Disallowed, Standard Form 2084, are being received from your office in the several bureaus of this department, requiring certificates signed by the head of the department in connection with the procurement of articles, materials, and supplies of foreign origin.

"Section 2 of Title III of the Act of March 3, 1933 (47 Stat. 1520), provides that only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured as the case may be, in the United States, shall be acquired for public use, unless the head of the department concerned shall determine (1) that such procurement is inconsistent with the public interest or (2) that the cost is unreasonable. The second sentence of the section provides that the section shall not apply with respect to articles, materials, or supplies if articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, but apparently does not require a certification of the facts by the head of the department.

"In 14 Comp. Gen. 381 it was held the act contained no provision for a delegation of authority and that the head of the department or establishment concerned must make the determination in respect to articles, materials, or supplies mentioned in the first sentence of the section cited as well as those mentioned in the second sentence of that section.

"The questions that now present themselves are whether, in awarding contracts under the General Schedule of Supplies the Secretary of the Treasury may make determinations which will extend to the Secretary of Agriculture in the procurement of articles, materials, or supplies from the contractors. For example if, when an award is made by the Director of Procurement or other contracting officer, the Secretary of the Treasury determines that similar articles are not produced or manufactured in the United States in sufficient and reasonably available commercial quantities and of satisfactory quality and the articles are listed in the General Schedule of Supplies, will it be

necessary that the Secretary of Agriculture make a similar determination when the articles are procured for the use of the Department of Agriculture?

"It is common knowledge that rubber, cork, tea, coffee, etc., are not produced commercially in the United States, in view of which it seems that if certification of that fact is required it could properly be made by a contracting or other officer familiar therewith. If it is necessary that the head of the department determine that materials and supplies to be procured are composed chiefly of materials not produced commercially in the United States will the requirements of the statute be satisfied if he determines that articles manufactured in the United States from such materials may be procured, from time to time in the future, for the use of the department?"

The decisions reported in 14 Comp. Gen. 381, and 601, are to the effect that while the determination required by the first sentence of section 2, Title III, of the act of March 3, 1933, 47 Stat. 1520, involving the exercise of personal judgment and discretion, must be made by the head of the department concerned and that authority to make such determination can not be delegated, the showing required by the second sentence - that is, a showing that the articles, materials or supplies to be used or those from which they are manufactured are not mined, produced or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality - may be made either by the head of the department or establishment concerned or by subordinates to whom that duty has been assigned. That is to say, the existence of such facts may be established before this office in like manner as other facts necessary to support a claim for payment or for credit are required to be established. In conformity therewith you are advised that the finding required by the second sentence of section 2 of the act, supra, may be made by a subordinate officer or officers of your department specifically designated by you for the purpose, accompanied by a proper showing of facts in support of such finding. Evidence of the officers' designation should be filed here. Your suggestion in the last paragraph of

your letter that a determination in that behalf once made would be sufficient to justify procurement of such materials, etc., from time to time in the future, is subject to the qualification that such finding continues to be correct. It must be recognized that domestic conditions of production and manufacture are constantly changing and articles, materials, etc., not commercially produced in this country today may be available at a future time.

Your question as to whether in awarding contracts under the General Schedule of Supplies, the Secretary of the Treasury may make determinations which will extend to the Secretary of Agriculture in the procurement of articles, materials or supplies from the contractors, is answered in the affirmative. The blanket contracts under said general schedule are consummated by the Secretary of the Treasury who is the proper officer to make the determinations required by the statute under the contracts. Purchases by executive departments and other Government establishments except as otherwise provided by law, are subject to those contracts and an independent finding to the same effect by the heads of such other departments and establishments would not appear necessary. However, as will appear from the two cited decisions in 14 Comp. Gen. 381 and 601, there is involved the question whether the findings of the Secretary of the Treasury are sufficient under the statute. When the records of this office do not disclose such proper findings with reference to the general supply schedule contracts, it is necessary to question payments by other departments and establishments for purchases made from the contractor. When the records of this office disclose proper findings by the Secretary of the Treasury pursuant to the statute, such findings will be accepted by this office as applicable to purchases by other depart-

ments and establishments under general supply schedule contracts, if otherwise free from objection.

Your submission is answered accordingly.

Respectfully,

(Signed) R. N. ELLIOTT

Acting Comptroller General
of the United States

DEPARTMENT OF AGRICULTURE

WASHINGTON

#689
4-29-36
(R)

April 29, 1936.

MEMORANDUM NO. 691

Temporary Regulations Governing Annual and Sick Leave.

Under the authority of Executive Order No. 7321, dated March 21, 1936, the following temporary regulations are hereby promulgated for the guidance of all officers and employees of the Department of Agriculture in carrying into effect the provisions of the acts Public 471 and 472, 74th Congress. These temporary regulations will remain in force until the issuance of permanent regulations by the President.

These regulations shall apply to all civilian officers and employees of the Department of Agriculture except the following, who are not entitled to leave.

1. Employees engaged on construction work at hourly rates.
2. Persons employed under letters of authorization.
3. Employees rendering part-time or intermittent service.
4. Employees serving less than a month of continuous service.

ANNUAL LEAVE

Legal Status of Annual Leave.--While annual leave is a legal right, it should in no case be granted to the detriment or embarrassment of the service. The convenience of the employees must be subordinated to the public interest as to the time and duration of the leave.

Annual Leave Revocable.--An employee on annual leave may be required to return to duty at any time without expense to the Department should the exigencies of the service require such action.

Annual Leave Allowable.--Permanent employees as herein defined shall, unless otherwise specifically provided, be granted not more than twenty-six days annual leave with pay in each calendar year, and in addition, annual leave not taken in any preceding calendar year from and including the calendar year 1933,

not exceeding sixty days. In computing annual leave, Sundays and holidays are excluded.

Temporary employees as herein defined shall be granted two and one-half days annual leave for each month of service since January 1, 1936. Leave will not be granted for periods of service of less than a month nor for fractional parts of a month. A month of service shall be construed to be continuous service over a period of thirty calendar days.

Emergency employees as herein defined shall be granted annual leave in accordance with the regulations governing annual leave for permanent employees.

New Employees.--New employees serving under probationary appointments shall be credited annual leave at the rate of two and one-sixth days per month during the probationary period. After the completion of the probationary period, such employees shall be granted full leave privileges as provided herein. Employees transferred from other departments or from one bureau or office to another within the Department shall be credited with any unused portion of leave accrued in the other department or bureau upon certification by the department or bureau from which the transfer is made.

Annual Leave Which May Be Granted on Separation from the Service.--On separation from the Department by resignation or other termination of appointment without prejudice, except in the case of transfer or retirement, employees shall be granted all accrued annual leave, provided that such leave is applied for and taken prior to the effective date of the separation. Employees about to retire under the Act of May 22, 1920, as amended, may be granted before retirement all annual leave both for the year current and that accumulated from prior years, which could have been allowed them had they remained in the service.

Whether accrued leave shall be granted to employees dismissed from the service for cause is a matter to be determined by the Secretary, according to the circumstances of each case.

If, at the time an employee applies for annual leave, it is known that he contemplates resigning, or if it is known or contemplated that he will be separated from the service during the calendar year, the amount of annual leave granted should be restricted to accrued leave.

not exceeding sixty days. In computing annual leave, Sundays and holidays are excluded.

Temporary employees as herein defined shall be granted two and one-half days annual leave for each month of service since January 1, 1938. Leave will not be granted for periods of service of less than a month nor for fractional parts of a month. A month of service shall be construed to be continuous service over a period of thirty calendar days.

Emergency employees as herein defined shall be granted annual leave in accordance with the regulations governing annual leave for permanent employees.

Per Diem employees.--Per diem employees serving under probationary appointments shall be credited annual leave at the rate of two and one-half days per month during the probationary period. After the completion of the probationary period, such employees shall be granted full leave privileges as provided herein. Employees transferred from other departments or from one bureau or office to another within the Department shall be credited with any unused portion of leave accrued in the other department or bureau upon certification by the department or bureau from which the transfer is made.

Annual Leave Shall Not Be Granted on Separation From the Service.--On separation from the Department by resignation or other termination of appointment without prejudice, except in the case of transfer or retirement, employees shall be granted all accrued annual leave, provided that such leave is applied for and taken prior to the effective date of the separation. Employees about to retire under the Act of May 22, 1920, as amended, may be granted before retirement all annual leave both for the year current and that accumulated from prior years, which would have been allowed them had they remained in the service.

Whether accrued leave shall be granted to employees dismissed from the service for cause is a matter to be determined by the Secretary, according to the circumstances of each case.

If, at the time an employee applies for annual leave, it is known that he contemplates resigning, or if it is known or contemplated that he will be separated from the service during the calendar year, the amount of annual leave granted should be restricted to accrued leave.

Pro Rata Deductions on Account of Leave Without Pay.-- Proportionate deductions from unused annual leave shall be made at the rate of one day for each fourteen days or multiples thereof for furlough or leave without pay.

Saturdays.-- Annual leave granted for Saturdays will be charged as four hours.

SICK LEAVE

Permanent and Emergency Employees.--All permanent and emergency employees, wherever stationed, except employees stationed outside the continental United States and covered by special legislation, shall be entitled to one and one-quarter days of sick leave per month, cumulative with pay, the total accumulation not to exceed ninety days. Chiefs of Bureaus and other officials delegated by them may advance thirty days sick leave with pay beyond accrued sick leave in cases of serious disability or ailments and when required by the exigencies of the situation.

Temporary Employees.--Temporary employees, except those employees engaged on construction work at hourly rates, shall be entitled to one and one-quarter days sick leave for each month of service, leave accruing only after the completion of each month of continuous service.

Sick leave shall conform to the following regulations:

(1) Sick leave with pay may be granted to employees of the Department within the limits now authorized by law, when in meritorious cases such employees are incapacitated for the performance of their duties by sickness or injury.

(2) Accumulated sick leave may be granted at one time or fractionally. The minimum charge for sick leave shall be one-half day. The total accumulation of sick leave shall not exceed ninety days. Sick leave in advance of accrual may be granted in one period of thirty days or in periods of lesser amount, but the total sick leave granted in advance of accrual shall at no time exceed thirty days.

(3) Slight illness or indisposition, or absence for the purpose of medical examination, will not be regarded as sufficient reason for the allowance of sick leave. Absence for the purpose of being treated professionally by a dentist or oculist in his office is not allowable as sick leave, but this is not intended to disallow sick leave for detention at home or hospital by illness or disability due to causes as to which a dentist or oculist is qualified to certify.

[illegible]

[illegible]

SICK LEAVE

[illegible]

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Temporary Employees.--Temporary employees, except those employed on construction work at hourly rates, shall be entitled to one and one-quarter days sick leave for each month of service, leave accruing only after the completion of each month of continuous service.

Sick leave shall conform to the following regulations:

(1) Sick leave with pay may be granted to employees of the Department within the limits now authorized by law, when in authorizing cases such employees are incapacitated for the performance of their duties by sickness or injury.

(2) Accumulated sick leave may be granted at one time or fractionally. The minimum charge for sick leave shall be one-half day. The total accumulation of sick leave shall not exceed ninety days. Sick leave in advance of accrual may be granted in one period of thirty days or in periods of lesser amount, but the total sick leave granted in advance of accrual shall at no time exceed thirty days.

(3) Slight illness or indisposition, or absence for the purpose of medical examination, will not be regarded as sufficient reason for the allowance of sick leave. Absence for the purpose of being treated professionally by a dentist or oculist in his office is not allowable as sick leave, but this is not intended to disallow sick leave for detention at home or hospital by illness or disability due to causes as to which a dentist or oculist is qualified to certify.

(4) Saturdays will be charged as a whole day in sick leave.

(5) Sundays and holidays will be charged as sick leave when they fall within a period of sick leave, that is, if the Sunday or holiday is one of the days specifically covered by the approved application for sick leave. Pay will not be allowed for Sundays and holidays when immediately intervening between sick leave and a prior or succeeding period in a non-pay status.

(6) Permanent employees transferred from other departments and independent establishments or from one bureau or office to another within the department shall be credited or charged with sick leave which accrued or was advanced in the other bureau or office upon certification by the bureau or office from which the transfer is made showing the amount of sick leave, accrued and advanced, at the time of transfer.

(7) Notification of absence on account of sickness shall be given as soon as possible on the first day of absence. Application for sick leave must be filed within three days after return to duty.

(8) The application for sick leave for periods in excess of two days must be supported by the certificate of a registered practicing physician or other practitioner, except that in remote localities where such certificate can not reasonably be obtained, the applicant's signed statement as to the sickness and the reasons why a certificate is not furnished may be accepted. For periods of two days or less, up to an accumulation of 12 days in any one calendar year, the applicant's signed statement on the required form may be accepted.

(9) Sick leave granted in advance will be charged against sick leave as it accrues. In case of resignation, or termination of appointment, no deduction from salary will be made for sick leave that may have been granted in excess of accrued sick leave.

(10) Sick leave granted from January 1, to March 14, 1936, in excess of accrued sick leave, will be considered on the same basis as advance sick leave.

GENERAL

Employees in Alaska, Hawaii, and Puerto Rico.--Employees of the agricultural experiment stations(i.e., those whose salaries are paid from the appropriations for "Office of Experiment Stations") in Alaska, Hawaii, and Puerto Rico shall, at such times as may be prescribed by the ranking local supervisory officer

(4) [illegible] leave.

(5) [illegible] when they fall within a period of sick leave, that is, if the Sunday or holiday is one of the days specifically covered by the approved application for sick leave. Pay will not be allowed for Sundays and holidays when immediately intervening between sick leave and a prior or succeeding period in a non-pay status.

(6) Permanent employees transferred from other departments and independent establishments or from one bureau or office to another within the department shall be credited or charged with sick leave which accrued or was advanced in the other bureau or office upon certification by the bureau or office from which the transfer is made showing the amount of sick leave, accrued and advanced, at the time of transfer.

(7) Notification of absence on account of sickness shall be given as soon as possible on the first day of absence. Application for sick leave must be filed within three days after return to duty.

(8) The application for sick leave for periods in excess of two days must be supported by the certificate of a registered practicing physician or other practitioner, except that in remote localities where such certificate can not reasonably be obtained, the applicant's signed statement as to the sickness and the reason why a certificate is not furnished may be accepted. For periods of two days or less, up to an accumulation of 12 days in any one calendar year, the applicant's signed statement on the required form may be accepted.

(9) Sick leave granted in advance will be charged against sick leave as it accrues. In case of resignation, or termination of appointment, no deduction from salary will be made for sick leave that may have been granted in excess of accrued sick leave.

(10) Sick leave granted from January 1, to March 14, 1936, in excess of accrued sick leave, will be considered on the same basis as advance sick leave.

[illegible]

[illegible] in Alaska, Hawaii, and Puerto Rico.--Employees of the agricultural experiment stations, [illegible], are paid from the appropriations for "Office of Experiment Stations") in Alaska, Hawaii, and Puerto Rico shall, at such times as may be prescribed by the resident land examiners, officers

without additional expense to the Government, be granted leave of absence not to exceed 30 days in any one year, and may elect to postpone the taking of any or all of such annual leave and may, in the discretion of the ranking local supervisory officer, be allowed to take at one time unused annual leave which may have accumulated, not to exceed four years, and be paid at the rate prevailing during the year such leave of absence accumulated. (U.S.C., V.535, 536, 537.)

Other employees stationed in Alaska, Hawaii, and Puerto Rico shall be granted not to exceed 30 days annual leave and not to exceed 30 days sick leave in any one year. Such leave is not accumulative.

Foreign Agricultural Service.--Officers of the Foreign Agricultural Service of the Bureau of Agricultural Economics, stationed abroad, shall, at such times as may be prescribed by the chief of bureau, be granted leave of absence with pay for not to exceed 30 days for any one year, which may be taken in the United States or elsewhere, accumulative for three years. (June 5, 1930, c.399, sec.2, 46 Stat., 498, U.S.C., 7, 542f).

Other Employees Stationed Abroad.--Employees of the Department stationed abroad other than those within the classes listed above, shall, at such time as may be prescribed by the chief of bureau, be granted leave with pay in accordance with the regulations applicable to permanent and temporary employees.

Permanent, Temporary, Emergency, Part-time and Intermittent Employees Defined.--Permanent employees are those appointed for permanent or indefinite periods, whether paid by the year, month, day, or hour.

Temporary employees are those formally appointed and who work continuously for a temporary period of a month or more.

Emergency employees are those appointed for the duration of work financed from emergency appropriations.

Part-time employees are those appointed and required to perform services part of a day where the job or the employment is a full day's service of seven or eight hours. Where the job consists regularly of a definite number of hours less than the normal work day, such as charwomen, the employees are considered full time employees and are entitled to leave, the leave day consisting of the same number of hours as the employee regularly works.

Intermittent employees are those appointed and required to perform services at irregular intervals for periods of less than a month.

without additional expense to the Government, be granted leave of absence not to exceed 15 days in any one year, and may elect to postpone the taking of any or all of such annual leave and may, in the discretion of the ranking local supervisory officer, be allowed to take at one time unused annual leave which may have accumulated, not to exceed four years, and be paid at the rate prevailing during the year such leave of absence accumulated. (U.S.C., V. [illegible], [illegible], [illegible].)

Other employees stationed in Alaska, Hawaii, and Puerto Rico shall be granted not to exceed 30 days annual leave and not to exceed 30 days sick leave in any one year. Such leave is not accumulative.

Foreign Agricultural Service.--Officers of the Foreign Agricultural Service of the Bureau of Agricultural Economics, additional officers, shall, at such time as may be prescribed by the chief of bureau, be granted leave of absence with pay for not to exceed 30 days for any one year, which may be taken in the United States or elsewhere, accumulative for three years. (June 5, 1930, c.[illegible], sec.[illegible], 46 Stat., [illegible], U.S.C., V. [illegible].)

Other Employees Stationed Abroad.--Employees of the Department stationed overseas shall have within the classes listed above, shall, at such time as may be prescribed by the chief of bureau, be granted leave with pay in accordance with the regulations applicable to permanent and temporary employees.

Permanent, Temporary, Emergency, Part-time and Intermittent Employees Defined.--Permanent employees are those appointed for permanent or indefinite periods, whether paid by the year, month, day, or hour.

Temporary employees are those formally appointed and who work continuously for a temporary period of a month or more.

Emergency employees are those appointed for the duration of work financed from emergency appropriations.

Part-time employees are those appointed and required to perform services part of a day where the, or the employment is a full day's service of seven or eight hours. Where the job consists regularly of a definite number of hours less than the normal work day, even so conceived, the employees are considered full time employees and are entitled to leave, the leave day consisting of the same number of hours as the employee regularly works.

Intermittent employees are those appointed and required to perform services at irregular intervals for periods of less than a month.

Authority to Grant Leave.--Authority to grant leave and procedure to be followed in applying for such leave shall be in accordance with the present administrative regulations of the Department.

Employees required to take leave without pay after having exhausted all sick and annual leave shall not be entitled to further leave with pay until there has been a return to duty.

Leave accrues only during each period of temporary employment and may not be carried over to succeeding periods of temporary employment.

Interpretation of Regulations.--All questions pertaining to the interpretation of these regulations shall be submitted to the director of personnel for decision.

H A Wallace

Secretary.

Authority to grant leave.--Authority to grant leave and procedure to be followed in applying for such leave shall be in accordance with the present administrative regulations of the Department.

Employees required to take leave without pay after having exhausted all sick and annual leave shall not be entitled to further leave with pay until there has been a return to duty.

Leave accrues only during such period of temporary employment and may not be carried over to succeeding periods of temporary employment.

Interpretation of Regulations.--All questions pertaining to the interpretation of these regulations shall be submitted to the director of personnel for decision.

Secretary.

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF PERSONNEL
WASHINGTON

DIVISION OF APPOINTMENTS

April 28,1936.

MEMORANDUM FOR DR. W. W. STOCKBERGER.

Dear Doctor Stockberger:

The subcommittee appointed to edit and consolidate the temporary sick and annual leave regulations, previously approved by the general committee, submits herewith a draft of a Secretary's memorandum with the recommendation that it be approved and issued at the earliest practicable date.

H. E. Allanson

P. L. Gladmon

F. S. Moise

F. H. Spencer

WWS

U. S. DEPARTMENT OF AGRICULTURE
Bureau of Biological Survey
Washington, D. C.

549

April 21, 1936.

MR. SPENCER:

I have signed report in order to expedite action thereon, but do not agree to the third sentence, second paragraph under annual leave allowable. I feel this is unjust to regularly employed w.a.e. per diem employees.

W. R. Dillon

The point raised by Mr. Dillon will be considered before regulations are issued. Dr. Stoddarger is very anxious to get the draft, & if there are no other points of difference, suggest we send it along.

UNITED STATES DEPARTMENT OF AGRICULTURE

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

WASHINGTON, D.C.

April 20, 1936.

MEMORANDUM FOR MESSRS. DILLON
KEMPER
HALEY
WEBER
GLADMON
MOISE

There is attached hereto a memorandum for Dr. Stockberger transmitting the proposed temporary annual leave regulations to be used in the Department pending the issuance of standardized regulations.

With two changes this draft, except for minor changes in phraseology, is the same as the one submitted to you under date of April 17. Of the two important changes, the first, under "Annual Leave Allowable", provides that in the case of temporary employees, a month of service "shall be construed to be continuous service over a period of thirty calendar days" instead of "thirty working days." Since very few temporary employees work on Sunday it is apparent that it would be unjust to them to require thirty working days in building up a month's service as this would mean nearly five weeks instead of the regular calendar month.

The second change is with regard to the status of employees in Alaska, Hawaii and Puerto Rico. You will recall that the original draft placed such employees with the exception of "those whose salaries are paid from the appropriations for "Office of Experiment Stations" in the same class as permanent and temporary employees generally. The Solicitor's Office has now decided, however, that since this group of employees has not had the accumulative leave privilege in previous years it will not apply to them until January 1, 1936, whereas other permanent employees in the Department will accumulate unused leave as far back as the calendary year 1933.

If the draft as revised meets with your approval, will you please so indicate by signing in the proper place on the memorandum to Dr. Stockberger, and sending it on to the next one on the list? When all signatures have been affixed, please return all the papers to me.

Very truly yours,

D. H. Spencer

Chairman,
Annual Leave Committee.

Attachments.

UNITED STATES DEPARTMENT OF AGRICULTURE

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

WASHINGTON, D.C.

Dr. W. W. Stockberger,

Director of Personnel.

Dear Dr. Stockberger:

The subcommittee on the preparation of temporary annual leave regulations for the Department submits for your consideration the following draft which, as indicated, has the unanimous approval of the members of the committee and has been examined and concurred in by Mr. Gladmon, Chief, Division of Appointments, and Mr. Moise, who was appointed as general counsel for all the subcommittees on the leave matters.

Respectfully submitted,

W. Roy Dillon,
Bureau of Biological Survey.

J. M. Kemper,
Bureau of Dairy Industry.

Joseph Haley, Chief,
Division of Operation.

William Weber, Weather Bureau.

F. H. Spencer, Chairman

Concurred in:

P. L. Gladmon, Chief,
Division of Appointments.

F. S. Moise, General Counsel.

UNITED STATES DEPARTMENT OF AGRICULTURE

Temporary Regulations Governing Annual Leave

Legal Status of Annual Leave.-- While annual leave is a legal right, it should in no case be granted to the detriment or embarrassment of the service. The convenience of the employees must be subordinated to the public interest as to the time and duration of the leave.

Annual Leave Revocable.-- Annual leave may be revoked at any time and the employee required to return to duty without expense to the Department should the exigencies of the service require such action.

Authority to Grant Annual Leave.-- Authority to grant annual leave and procedure to be followed in applying for such leave shall be in accordance with the present administrative regulations of the Department.

Annual Leave Allowable.-- Permanent employees as herein defined shall, unless otherwise specifically provided, be granted not more than twenty-six days annual leave with pay in each calendar year, and in addition, annual leave not taken in any preceding calendar year from and including the calendar year 1933, not exceeding sixty days. In computing annual leave, Sundays and holidays are excluded.

Temporary employees as herein defined shall be granted two and one-half days annual leave for each month of service since January 1, 1936. Leave will not be granted for periods of service of less than a month nor for fractional parts of a month. A month of service shall be construed to be continuous service over a period of thirty calendar days.

Emergency employees as herein defined shall be granted annual leave in accordance with the regulations governing annual leave for permanent employees.

Employees rendering part-time or intermittent service are not entitled to annual leave.

Permanent, Temporary, and Emergency Employees Defined.-- Permanent employees are those employees appointed for permanent or indefinite periods and employed continuously, whether paid by the year, month, day, or hour.

Temporary employees are those employees formally appointed or employed under letter of authorization and working continuously for a definite but temporary period of a month or more.

Emergency employees are those employees appointed for the duration of work financed from emergency appropriations.

Employees Engaged on Construction Work at Hourly Rates Not Entitled to Leave.-- By legislative limitation employees engaged on construction work at hourly rates are not entitled to annual leave.

Employees in Alaska, Hawaii, and Puerto Rico.-- Employees of the agricultural experiment stations (i.e., those whose salaries are paid from the appropriations for "Office of Experiment Stations") in Alaska, Hawaii, and Puerto Rico shall, at such times as may be prescribed by the ranking local supervisory officer without additional expense to the Government, be granted leave of absence not to exceed 30 days in any one year, and may elect to postpone the taking of any or all of such annual leave and may, in the discretion of the ranking local supervisory officer, be allowed to take at one time unused annual leave which may have accumulated, not to exceed four years, and be paid at the rate prevailing during the year such leave of absence accumulated. (U.S.C., V.535, 536, 537.)

Other employees stationed in Alaska, Hawaii, and Puerto Rico shall be granted annual leave with pay in accordance with the regulations applicable to permanent and temporary employees generally, except that in the case of permanent employees the accumulative leave provision shall begin with January 1, 1936.

Foreign Agricultural Service.-- Officers of the Foreign Agricultural Service of the Bureau of Agricultural Economics, stationed abroad, shall, at such times as may be prescribed by the chief of bureau, be granted leave of absence with pay for not to exceed 30 days for any one year, which may be taken in the United States or elsewhere, accumulative for three years. (June 5, 1930, c.399, sec.2, 46 Stat., 498, U.S.C., 7, 542f).

Other Employees Stationed Abroad.-- Employees of the Department stationed abroad other than those within the classes listed above, shall, at such time as may be prescribed by the chief of bureau, be granted annual leave with pay in accordance with the regulations applicable to permanent and temporary employees.

New Employees.-- New employees serving under probationary appointments may be allowed annual leave at the rate of two and one-sixth days per month during the probationary period. After the completion of the probationary period, such employees shall be granted full leave privileges as provided herein. Employees transferred from other departments or from one bureau or office to another within the Department shall be allowed the unused portion of leave which accrued in the other department or bureau upon certificates obtained from the department or bureau from which the transfer is made showing the amount of leave unused at the time of transfer.

Annual Leave Which May Be Granted on Separation from the Service.-- On separation from the Department by resignation or other termination of appointment without prejudice, except in the case of transfer or retirement,

employer shall be granted all accrued annual leave provided that such leave is applied for and taken prior to the effective date of the separation. Employees about to retire under the Act of May 22, 1920, as amended, may be granted leave retirement all annual leave with the year covered and that accumulated from prior years, which could have been allowed them had they remained in the service. If an employee who has declared his resignation and who is on leave of absence with pay which expires in any fiscal year or activity which expires the separation has separated, his service will be immediately terminated.

Other employees dismissed from the service for cause shall be allowed accrued leave is a matter to be determined by the Secretary, according to the circumstances of each case. Leave of absence cannot be granted, however, after actual separation from the service. If, at the time an employee applies for annual leave, it is known that he is completely separated, or if it is known that he will be separated from the service during the calendar year, the amount of annual leave granted should be restricted to accrued leave.

Pro Rata Deductions on Account of Leave Without Pay.-- Temporary employees separated from annual leave shall be made at the rate of one day for each fourteen days or multiples thereof for absence or leave without pay.

Holidays.-- Annual leave granted for holidays will be charged as four hours.

Interpretation of Regulations.-- All questions pertaining to the interpretation of these regulations shall be submitted to the Director of Personnel for decision.

UNITED STATES DEPARTMENT OF AGRICULTURE

BUREAU OF PLANT INDUSTRY

WASHINGTON

LS
OFFICE OF CHIEF OF BUREAU

MEMORANDUM FOR DR. W. W. STOCKBERGER

Dear Dr. Stockberger:

Your Committee appointed to prepare and submit proposed sick leave regulations for the Department of Agriculture covering the period prior to the issuance of uniform regulations by the President submits herewith recommended sick leave regulations. It is believed these regulations conform with the Act entitled "To standardize sick leave and extend it to all civilian employees," and are adequate to meet temporarily the Department's requirements. There are, of course, many questions the Committee can not cover pending decisions by the Comptroller General.

Particular attention is called to Section 5 of the Act, which reads as follows:

> "Nothing in this Act shall be construed to prevent the continuance of any existing leave differential now obtaining for the benefit of employees of the Federal Government stationed outside the continental limits of the United States."

The following paragraphs appear in the present regulations, and as they involve primarily questions other than sick leave, have not been touched upon by the Committee:

> 484 (5th paragraph) "Employees of the department assigned to permanent duty in Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands, may, in the discretion of the Secretary, without additional expense to the Government, be granted leave of absence not to exceed 30 days in any one year, which leave may, in meritorious cases, where an employee is ill, be extended, in the discretion of the Secretary, not to exceed 30 days additional in any one year; Provided, That if any employee of the agricultural experiment stations of the United States in Hawaii or Puerto Rico shall elect to postpone the taking of any or all of the annual leave to which he may be entitled during any calendar year, he may, subject to the interest of the public service, in addition to any annual leave which may be properly granted him by reason of his service during the current calendar year be allowed to take at one time unused annual leave which may have accumulated within not to exceed three calendar years immediately preceding the current calendar year and be paid while taking such accumulated leave at the average rate or rates of his salary separately computed by years for each of the several elapsed calendar years.

484 (6th paragraph) "Officers of the Foreign Agricultural Service as defined in section 2 (a) of the act of June 5, 1930, Public No. 304, Seventy-first Congress, may be granted 30 days annual leave, without extensions on account of sickness, but accumulative for three years; that is to say, the maximum leave which may be taken in any one calendar year is 90 days. The rate of pay for periods of accumulative leave will be that prevailing at the time of taking.

492. "State or Local Holiday. At field headquarters where the permanent force consists of two or more employees, the supervising official may excuse such employees from duty on any State or local holiday which prevents the transaction of official business with the public if the condition of work is such that employees may be spared without detriment to the service otherwise. Days on which employees are excused from duty as provided by this paragraph will not be counted in the annual leave of employees who may be absent on annual leave extending over such holidays, but will be counted in periods of sick leave or leave without pay."

The Committee believes present needs affecting employees stationed abroad are covered by the exception noted in the first paragraph of the proposed sick leave regulations, which reads as follows: "except employees stationed outside the continental United States and covered by special legislation."

Respectfully submitted,

H. E. Allanson, Chairman

F. J. Hughes

Approved by Mr. Linton but he is out of town now

F. B. Linton

J. R. Cohran

T. Weed Harvey

UNITED STATES DEPARTMENT OF AGRICULTURE

Sick Leave Regulations

Permanent Employees. All permanent employees, wherever stationed, except employees stationed outside the continental United States and covered by special legislation, shall be entitled to one and one-quarter days of sick leave per month, cumulative with pay, the total accumulation not to exceed ninety days. Chiefs of Bureaus may advance thirty days sick leave with pay beyond accrued sick leave in cases of serious disability or ailments and when required by the exigencies of the situation.

Temporary Employees. Temporary employees, except those employees engaged on construction work at hourly rates, shall be entitled to one and one-quarter days sick leave for each month of service, leave accruing only after the completion of each month of continuous service. No sick leave shall be allowed temporary workers employed under Letters of Authorization pending promulgation of uniform sick leave regulations by the President. Sick leave accrues only during each period of temporary employment, and may not be carried over to succeeding periods of temporary employment.

General Regulations on Sick Leave. Sick leave granted officers and employees of the Department in accordance with law (Public 472, 74th Congress, approved March 14, 1936), shall conform to the following regulations:

(1) Sick leave with pay may be granted to employees of the Department within the limits now authorized by law, when in meritorious cases such employees are incapacitated from the performance of their duties by sickness or injury.

(2) Accumulated sick leave may be granted at one time or fractionally. The minimum charge for sick leave shall be one-half day. The total accumulation of sick leave shall not exceed ninety days. Chiefs of Bureaus may advance thirty days additional leave with pay beyond accrued sick leave in cases of serious disability or ailments and when required by the exigencies of the situation. Sick leave in advance of accrual may be granted in one period of thirty days or in periods of lesser amount, but the total sick leave granted in advance of accrual shall at no time exceed thirty days.

(3) Slight illness or indisposition, or absence for the purpose of medical examination, will not be regarded as sufficient reason for the allowance of sick leave. Absence for the purpose of being treated professionally by a dentist or oculist in his office is not allowable as sick leave, but this is not intended to disallow sick leave for detention at home or hospital by illness or disability due to causes as to which a dentist or oculist is qualified to certify.

(4) Saturdays will be charged as a whole day in sick leave.

(5) Sundays and holidays will be charged as sick leave when they fall within a period of sick leave, that is, if the Sunday or holiday is one of the days specifically covered by the approved application for sick leave. Pay will not be allowed for Sundays and holidays when immediately intervening between sick leave and a prior or succeeding period in a non-pay status.

(6) Employees required to take leave without pay after having exhausted all sick and annual leave privileges shall not be entitled to further sick leave with pay until there has been a return to duty.

(7) Employees transferred from one bureau or office to another within the department shall be allowed the unused portion of sick leave which accrued in the other bureau or office upon certificates obtained from the bureau or office from which the transfer is made showing the amount of unused sick leave at the time of transfer. Permanent employees transferred from other departments or independent establishments to the Department of Agriculture shall be allowed the unused portion of sick leave which accrued in the other department or independent office upon certificates showing the amount of unused sick leave at the time of transfer.

(8) Notification of absence on account of sickness shall be given as soon as possible on the first day of absence. Application for sick leave must be filed within two days after return to duty.

(9) The application for sick leave for periods in excess of two days must be supported by the certificate of a registered practicing physician or other practicioner, except that in remote localities where such certificate can not reasonably be obtained, the applicant's signed statement as to the sickness and the reasons why a certificate is not furnished may be accepted. For periods of two days or less, up to an accumulation of 12 days in any one calendar year, the applicant's signed statement on the required form may be accepted.

(10) Sick leave granted in advance will be charged against sick leave as it accrues. In case of resignation, or termination of appointment, no deduction from salary will be made for sick leave that may have been granted in excess of accrued sick leave.

(11) Sick leave granted since January 1, 1936, in excess of accrued sick leave, will be considered on the same basis as advance sick leave.

(12) Where sick leave in cases other than serious disability or illness is required in excess of accrued sick leave, the usual sick leave applications may be filed and charged as annual leave, or when all annual leave is exhausted as leave without pay; as sick leave accrues, annual leave or leave without pay granted for this purpose may be converted to a charge against sick leave within a period of ninety days.

DEPARTMENT OF AGRICULTURE
WASHINGTON

Ordered #733 5/14/36

May 14, 1936.

MEMORANDUM NO. 692

Transportation of Household Effects

In view of a decision, A-69595, dated March 16, 1936, received from the Comptroller General authorizing reimbursement for amounts expended not only for freight, but also for packing and crating and unpacking and uncrating, when reasonably necessary to their transportation, Fiscal Regulation No. 37 is amended, effective immediately, to read as follows:

"An employee transferred from one official station to another for permanent duty, not for his own convenience, may be allowed his traveling expenses and charges for packing, crating, drayage, transportation, uncrating and unpacking of his household goods and personal effects, including animals for domestic use, and personal property, which will be used in official work at the new station, excluding motor vehicles, whether the shipment is from the old post to the new, or from a previous post to the new, or, if specifically authorized by the Secretary of Agriculture, partly from the old post and partly from some previous post to the new. The authorization must be in writing, may be issued by a chief of bureau; regional forester, Forest Service; district engineer, Bureau of Public Roads; or regional conservator, Soil Conservation Service; and must state that the transfer was not for the employee's convenience. The transportation of property may be authorized only within one year after the date such officer is permanently assigned to an official station within the continental limits of the United States and within three years after the date such officer is permanently assigned to an official station outside the continental limits of the United States, except that in special cases where in the judgment of the Secretary of Agriculture the facts warrant, he may authorize such shipment subsequently notwithstanding the expiration of the specified period. The term 'official station' includes a suburb of the city in which located. The shipment shall be by the least expensive means, including truck or van where practicable, taking into account all allowable costs above specified, but express may be used for perishable articles or those required for immediate use at the new post, as wearing apparel, tableware,

bedding, and kitchen utensils (not furniture or jewelry), where alternative transportation would be inconveniently slow. Freight shipments should be on Government bills of lading with release to the lowest valuation, which must be specified. Carload rates should be secured where cheaper. Competition is required when the amounts exceed $50 for (1) packing and crating, (2) drayage, (3) truck or van transportation, and (4) uncrating and unpacking."

H A Wallace

Secretary.

Mr. Jump:

I discussed this proposed regulation with Mr. Miller, of BAE, and then amended it in two particulars, allowing over three years for shipment of goods abroad in special cases when approved by the Secretary, and ~~that~~ covering shipments from former as well as present posts specifically. Both of these items are similar to the State Department regulations.

N.L.M.

roject No.:
ivision:
ureau:

(b) object, and (c) plan.

U. S. DEPARTMENT OF AGRICULTURE
OFFICE OF BUDGET AND FINANCE
WASHINGTON, D. C.

April 25, 1936

Mr. Miller:

We have covered the two points you mentioned yesterday. Is it entirely satisfactory to you now?

W. L. M.

Mr. Miller -
This now looks OK.

F. J. 4/27

U. S. DEPARTMENT OF AGRICULTURE
OFFICE OF BUDGET AND FINANCE
WASHINGTON, D. C.

April 23, 1960

Mr. Hughes:

I have amended this memorandum to provide for transportation of household effects to a foreign station within three years. Hope it takes care of your requirements.

W. L. M.

includes a suburb of the city in which located. The shipment shall be by the least expensive means, including truck or van where practicable, taking into account all allowable costs above specified, but express may be used for perishable articles or those required for immediate use at the new post, as wearing apparel, tableware, bedding, and kitchen utensils (not furniture or jewelry), where alternative transportation would be inconveniently slow. Freight shipments should be on Government bills of lading with release to the lowest valuation, which must be specified. Carload rates should be secured where cheaper. Competition is required when the amounts exceed $50 for (1) packing and crating, (2) drayage, ~~and~~ (3) truck or van transportation, and (4) uncrating and unpacking."

38. Claims for Private Property Lost or Damaged Through Negligence of Employees.—Claims under the act of December 28, 1922, for private property lost or damaged through employee's negligence should be transmitted to the director of personnel (and business administration) with bureau report and recommendation. If initially received in the Secretary's office they will be referred to the bureau for such report and recommendation. The report should (*a*) show affirmatively whether the employee was acting within the scope of his duty when the loss or damage was caused, (*b*) give name of officer viewing damage, and (*c*) state whether claimant's estimate is considered just. With respect to presentation claims will be divided into two classes:

1. *Motor transportation claims.*—The procedure is governed by budget circular No. 206. The three forms prescribed therein, No. 26, driver's report—accident, motor transportation; No. 27, investigating officer's report—accident, motor transportation; No. 28, claim for damages—accident, motor transportation, are obtainable from department stock. Instructions as to

the use of these forms, contained in budget circular No. 206, are as follows:

PAR. 7. All drivers of Government motor vehicles and investigators of motor transportation accidents should be furnished with Forms 26 and 27, respectively, and directed to observe the instructions thereon.

PAR. 8. Standard Form No. 28 should not be furnished unless and until a claim for damages has been made.

2. *All other than motor transportation claims.*—These should be presented on a department form.

Upon receiving notice of the allowance of a claim the chief of bureau should either address a letter of reprimand to the negligent employee or furnish the Secretary with a memorandum of the reasons why he thinks such reprimand uncalled for. More severe disciplinary action may be recommended if the case is deemed so to require.

39. Mail.—Payments may be made for registry where not free (see par. 679, administrative), special-delivery, special-handling, air mail stamps, stamps on official domestic mail matter where the frank would defeat the purpose of the communication, parcel-post matter (par. 683, administrative), parcel-post insurance, and foreign postage. Under international postal agreements the United States official frank is recognized in lieu of postage in certain foreign countries. The list varies from time to time. Information may be obtained from the current annual edition of the United States Postal Guide under the heading "Free matter" or from any postmaster.

40. Telegrams, Radiograms, and Cables.—Telegraph, radio, or cable should be resorted to only where mail can not be used without detriment to the public service.

Telegrams.—Figures should be expressed in words, title ordinarily omitted. The sender should choose the cheapest form of service—straight telegram, day letter, night letter—considering the probable time of

36. Station and Field Expenses.—It is contemplated that all payments to public creditors outside of reimbursable travel and subsistence expenses covered by the Standardized Government Travel Regulations shall be made by bonded disbursing officers of the department. But employees with headquarters at field stations where no disbursing agent is located are from time to time called upon to pay small accounts where cash is demanded as a condition of the performance of the service or delivery of the article. Of this character are express, freight, and drayage charges, and small detached services rendered in emergencies or otherwise. These cash payments should be made only when it is not feasible to have the account settled by a disbursing agent and should be confined to expenses previously authorized or to those made under urgent or unforeseen public necessity. Authorization for cash payments of this character may be given field-station employees by chiefs of bureau in annual or other letters. The taking of receipts will be governed by section XII, "Receipts", of the Standardized Government Travel Regulations.

37. Transportation on Permanent Change of Station.—An employee transferred from one official station to another for permanent duty, not for his own convenience, may be allowed his traveling expenses and charges for packing, crating, drayage, ~~and~~ transportation of his household goods and personal effects, including animals for domestic use, and personal property which will be used in official work at the new station, excluding motor vehicles. The authorization must be in writing, may be issued by a chief of bureau, regional forester or district engineer, Bureau of Public Roads, and must state that the transfer was not for the employee's convenience. The transportation of property may be authorized only from the last or a former official station to the new. The term "official station"

~~and~~ uncrating and unpacking

and personal

within one year after arrival of the officer at his official station.

UNITED STATES DEPARTMENT OF AGRICULTURE

BUREAU OF AGRICULTURAL ECONOMICS

WASHINGTON, D. C.

April 16, 1936.

MEMORANDUM FOR MR. W. L. MILLER,
Office of Budget and Finance,
Office of the Secretary.

Dear Mr. Miller:

We have read the proposed amendment to paragraph 37 of the Fiscal Regulations and approve of same excepting that portion which states:

> "The transportation of property may be authorized only within one year after arrival of the officer at his official station."

Section 2 (e) of the Act approved June 5, 1930, establishing the Foreign Agricultural Service, provides:

> "Any officer of the Foreign Agricultural Service may be assigned for duty in the United States for a period of not more than three years without change in grade, class, or salary, or with such change as the Secretary of Agriculture may direct";

and section 2 (f) provides:

> "The Secretary of Agriculture is authorized to pay the expenses of transportation and subsistence of officers in the Foreign Agricultural Service of the United States and their immediate families in going to and returning from their posts under orders from the Secretary of Agriculture. The Secretary of Agriculture is further authorized, whenever he deems it in the public interest, to order to the United States on his official leave of absence any Foreign Agricultural Service officer who has performed 3 years or more of continuous service abroad * *".

We feel that a limitation of one year on the movement of an employee's household goods might work a decided hardship on him and also might increase the expenditures of the Department. A case in point involves an employee of the Foreign Agricultural Service who was transferred to London. While his official headquarters were established as London, it was not definitely known how long his assignment would keep him there and he made no attempt to have his household goods forwarded to him. Conditions subsequently determined that his post would continue to be London and after a period of approximately 5 years he had his household goods sent to him. Had the proposed regulation been in force at the time this man went to London, it would not have been possible to ship his household goods to him at Government expense when it was finally determined that his permanent post would be in London.

Incorrect, if London continued to be a temporary station only.

We have recently transferred one of our men to a post in Bombay, India, but because of the uncertainty of the length of time he will be there, we have not shipped his household goods. With a limitation of one year in the regulations it would mean that immediately on assigning a man to a foreign post we would be required to forward his household goods to him. A man going to a foreign post would wish to have a considerable time to investigate housing conditions before he decided to have his goods shipped to him, since in some cases it is found more practical to rent furnished quarters than to attempt to secure unfurnished quarters.

If this is a temporary assignment, we would not pay for shipping his household effects.

If it is deemed advisable that some limitation as to time be placed in this regulation, it is urged that the time be made 5 years instead of one, especially for employees being transferred to posts outside the United States.

Very truly yours,

F. J. Hughes,
Business Manager.

[illegible] visit [illegible] of the work on the movement of an en-
[illegible] might work a hardship on him and also
[illegible] conditions of the country etc. A case in point in-
[illegible] employee of the Imperial Agricultural Service was [illegible]
[illegible]. While his official qualifications were satisfactory as
[illegible] definitely known how long his enlistment would [illegible]
[illegible] to have his resignation accepted forwarded
[illegible] permanently determined that his post would continue
[illegible] a period of approximately [illegible] he had his resig-
[illegible] had the proposed regulation been in force at the
[illegible]. It would not have been possible to allow his
[illegible] it was [illegible] tempo-
rary that his permanent post would be in London.

He has recently interfered one of our men to a post in Burma, India, but because of the uncertainty of the length of time he will be there, we have not felt his absence in India. With a liberalization of the regulations it would seem most improbably on receiving [illegible] Burma that we would be prevented by Imperial his resignation [illegible] to a foreign post would [illegible] over-
[illegible] time to investigate existing conditions before he decided to have his resignation accepted so his, allow to work where it is found more [illegible] to send Transferred quarters than to attempt to secure satisfactorily [illegible] qualified quarters.

If it is deemed advisable that some limitation be placed in this regulation, it is hoped that the rule be made a waiver instead of one, especially for employees being transferred to posts [illegible] of Burma.

Very truly yours,

[illegible]

K. G. [illegible],
Personnel Manager.

DEPARTMENT OF AGRICULTURE

WASHINGTON

MEMORANDUM NO.

Fiscal Regulation 37 is amended, effective immediately, by the addition of the phrase "uncrating and unpacking" after the word "transportation" in the fifth line and the phrase "and regional conservator, Soil Conservation Service" after the word "Roads" at the end of the tenth line, the amendment of the third sentence to read "The transportation of property may be authorized only within one year after ~~arrival of the officer at his official station,"~~ and the addition of the words "and (4) uncrating and unpacking" at the end of the regulation, so that the paragraph reads as follows:

> "An employee transferred from one official station to another for permanent duty, not for his own convenience, may be allowed his traveling expenses and charges for packing, crating, drayage, transportation, uncrating and unpacking of his household goods and personal effects, including animals for domestic use, and personal property, which will be used in official work at the new station, excluding motor vehicles. The authorization must be in writing, may be issued by a chief of bureau; regional forester, Forest Service; district engineer, Bureau of Public Roads; or regional conservator, Soil Conservation Service; and must state that the transfer was not for the employee's convenience. The transportation of property may be authorized only within one year after the date such officer is permanently ~~and formally~~ assigned to a ~~foreign~~ official station within the continental limits of the United States and within three years after the date such officer is permanently ~~and formally~~ assigned to an official station outside the continental limits of the United States. The term 'official station' includes a suburb of the city in which located. The shipment shall be by the least expensive means, including truck or van where practicable, taking into account all allowable costs above specified, but express may be used for perishable articles or those required for immediate use at the new post, as wearing apparel, tableware, bedding, and kitchen utensils (not furniture or jewelry), where alternative transportation would be inconveniently slow. Freight shipments should be on Government bills of lading with release to the lowest valuation, which must be specified. Carload rates should be secured where cheaper. Competition is required when the amounts exceed $50 for (1) packing and crating, (2) drayage, (3) truck or van transportation, and (4) uncrating and unpacking."

Secretary.

[illegible] 17 is amended, effective immediately, by the [illegible] and inserting after the word "transportation" [illegible] the and the phrase "and vegetable conservation" [illegible] after the word "horse" at the end of the [illegible] of the third sentence to read "the transportation [illegible] vehicles [illegible] official station," and the addition of the words "and [illegible]" at the end of the sentence, so that the [illegible]

"An employee transferred from one official station to another for permanent duty, not for his own convenience, may be allowed the transportation and allowances for packing, crating, drayage, transportation, unpacking and uncrating of his household goods and personal effects, including those for domestic use, and commercial property, which will be used in official work at the new station, including motor vehicles. The authorization must be in writing, may be issued by a unit of bureau; regional director, director Service; district engineer, director of public roads; or regional conservator, soil conservation service; who must make that the expenditure was not for the employee's convenience. The transportation of property may be authorized [illegible]

[illegible] The term 'official station' includes a number of the city in which located. The shipment shall be by the least expensive means, including truck or van where practicable, taking into account all allowable costs. Move equipment, but expenses may be made for vehicle or trailer or those required for transportation [illegible] the new post, as working horses, implements, [illegible] farms usually (not furniture or jewelry). [illegible] the transportation would be inconveniently [illegible] allowance should be on Government bills of [illegible] to the lowest rate, which must be [illegible] Quotations rates should be secured from a carrier. [illegible] tion is required when the amount exceeds one ton (1) [illegible] and crating, (2) drayage, (3) transportation [illegible] and (4) unpacking and uncrating."

U. S. DEPARTMENT OF AGRICULTURE
OFFICE OF BUDGET AND FINANCE
WASHINGTON, D. C.

March 18 ....., 1936

Mr. Jump:

As this authorization for uncrating and unpacking will not become effective until the regulations of the Department have been amended to provide for that expense, don't you think it would be desirable to issue such an amendment immeidately as it may be some weeks (?) before the new regulations are issued?

WLM

DEPARTMENT OF AGRICULTURE

WASHINGTON

MEMORANDUM NO.

Fiscal Regulation 37 is amended effective immediately, by the addition of the phrase "uncrating and unpacking" after the word "transportation" in the fifth line and the phrase " and regional conservator, Soil Conservation Service," after the word "Roads" at the end of the tenth line, the amendment of the third sentence to read "The transportation of property may be authorized only within one year after arrival of the officer at his official station," and the addition of the words "and (4) uncrating and unpacking," at the end of the regulation, so that the paragraph reads as follows:

> "An employee transferred from one official station to another for permanent duty, not for his own convenience, may be allowed his traveling expenses and charges for packing, crating, drayage, transportation, uncrating and unpacking of his household goods and personal effects, including animals for domestic use, and personal property, which will be used in official work at the new station, excluding motor vehicles. The authorization must be in writing, may be issued by a chief of bureau; regional forester, Forest Service; district engineer, Bureau of Public Roads; or regional conservator, Soil Conservation Service; and must state that the transfer was not for the employee's convenience. The transportation of property may be authorized ~~only within one year after arrival of the officer at his official station.~~ The term "official station" includes a suburb of the city in which located. The shipment shall be by the least expensive means, including truck or van where practicable, taking into account all allowable costs above specified, but express may be used for perishable articles or those required for immediate use at the new post, as wearing apparel, tableware, bedding, and kitchen utensils (not furniture or jewelry), where alternative transportation would be inconveniently slow. Freight shipments should be on Government bills of lading with release to the lowest valuation, which must be specified. Carload rates should be secured where cheaper. Competition is required when the amounts exceed $50 for (1) packing and crating, (2) drayage, (3) truck or van transportation, and (4) uncrating and unpacking."

the date such office is permanently and formally assigned to a foreign station.

Secretary.

COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON

B-[illegible]

The Honorable,

The Secretary of Agriculture.

Sir:

There has been received your letter of January 5, 1946, as follows:

"A revision of the regulations of this Department is now being prepared and it is our hope that the revised edition may be available for distribution within the next few months. The questionable point is the legality of including a provision for the payment of the expenses of unpacking and unpacking the household effects of employees transferred from one official station to another for permanent duty.

"The act of March 4, 1921 (36 Stat. 1065) reads as follows:

"'Hereafter officers and employees of the Department of Agriculture transferred from official station to another for permanent duty, when authorized by the Secretary of Agriculture, may be allowed actual traveling expenses, including charges for transfer of their effects and personal property used in official work, under such rules and regulations as may be prescribed by the Secretary of Agriculture.'

"Through inadvertence the fiscal regulations as drafted by this Department failed to include specific mention of the expenses of unpacking and repacking household effects. Subsequently the Comptroller of the Treasury ruled (B-[illegible]) that:

"'When an employee of the Department of Agriculture has had his household goods transferred at Government expense from his old to his new station, including freight, packing, crating, and drayage to his new residence, there is no authority under the Act of March 4, 1921, 36 Stat. 1065, or regulations pursuant thereto, prescribed by the Secretary of Agriculture, to reimburse the employee for the cost of repacking or uncrating the household goods at his new residence.' (Underscoring supplied)

"The following paragraph has now been drafted for inclusion in the revised Regulations:

"'Transportation of effects on permanent change of station.- An employee transferred from one official station to another for permanent duty, not for his own convenience, may be allowed charges for packing, crating, drayage, transportation, unerating and unpacking of his household goods and personal effects, including animals for domestic use, and personal property which will be used in official work at the new station, excluding motor vehicles. The authorization must be in writing, signed by a chief of bureau, regional forester, Forest Service, or district engineer, Bureau of Public Roads, and must state that the transfer was not for the employee's convenience.'

"This amendment will bring the practice of this Department in conformity with that of the Departments of State and Commerce. Before including this provision in the revised Regulations, however, I should appreciate your approval of it."

In decision to you in 7 Comp. Gen. 656, it was held that the general statute providing for transfers between duty stations did not repeal the act of March 4, 1911, 36 Stat. 1265, applicable to transfers within your Department, and as that statute provided for the issuance of regulations by the Secretary of Agriculture, it was proper to provide in such regulations for the travel orders and certificate that the travel was not for the personal convenience of the employee, to be signed by some official other than the Secretary of Agriculture to whom such duty had been delegated. As said act of March 4, 1911, does not specify or define the charges which may be included in the transfer of the personal effects of employees, it is proper to provide by regulation for reimbursement for amounts expended not only for freight, but also for packing and crating, and

unpacking and uncrating, when reasonably necessary to their transportation. The proposed amendment of the regulations appears to be within the authority conferred upon you by the act of March 4, 1911, and this office is not required to object thereto.

Respectfully,

Acting Comptroller General
of the United States.

DEPARTMENT OF AGRICULTURE
WASHINGTON

#757
5/23/36

May 21, 1936.

MEMORANDUM NO. 693

Long-Distance Telephone Calls

At a recent meeting of the National Emergency Council the President directed that hereafter, except in unusual circumstances, official long-distance telephone calls should be made on a station-to-station basis, and not on a person-to-person basis. More specific information concerning such unusual circumstances may be secured from the Superintendent of Telephone and Telegraph.

In order to effectuate this policy and to place the long-distance telephone operations of the Department on a more efficient and economical basis, the following administrative regulation is approved, to become effective July 1, 1936:

729. Long-Distance Telephone Calls.-

"Long-distance calls may be made only when the nature of the business to be transacted is urgent, cannot be adequately transacted by mail or telegraph, or is of such a character as to require personal contact. Within these limitations, any employee whose duties necessitate expenditures for telephone calls is authorized to incur expense for official long-distance messages, subject to the discretion of the officer in responsible charge of the unit to which such employee may be attached. Except in unusual circumstances, all official long-distance telephone calls shall be made on a station-to-station basis and not on a person-to-person basis.

"Toll charges in excess of 50¢ for long-distance telephone calls on official business will be allowed only when a certificate is furnished showing:

1. Bureau;
2. Division;
3. Name of person making call;
4. Name of party with whom communication was held;
5. Points between which service was rendered;
6. Date of call;
7. Number of minutes;
8. Charge as to initial period, additional minutes, and total;
9. Type of call (station-to-station, person-to-person, report charge, messenger);
10. Statement that the call was on official business.

"Employees making an administrative examination of accounts are instructed to suspend from vouchers any toll charge for a call exceeding 50¢ unless such a certificate signed by an authorized administrative officer is attached. Failure to furnish a certificate promptly shall be reported to the proper administrative officer.

"Telephone calls made in the field may be reversed and charged to the unit called, provided such call is official and the reversal is acceptable to the officer in responsible charge of the unit called. In such instances the party accepting the call will be responsible for the submission of the certificate. Certificates on reverse calls received in Washington will be prepared by the telephone operator."

H A Wallace
Secretary

Form No. AD-102

U. S. DEPARTMENT OF AGRICULTURE

Toll Call Certificate

For all toll calls exceeding 50¢

Bureau

Division

Name of Person Making Call:

Name of Person Called:

Call Made From (City):

Call Made To (City):

Date of Call:

No. of Minutes:

Charge: Initial:
Additional: Total:

Check Type of Call: Messenger; Person-to-person; Report charge; Station-to-station; other.

I certify that the long distance telephone call described above was necessary on account of official business and was not personal.

_____
Name

_____
Date

Approved:

_____
Name

_____
Title

_____
Date

Use space below if more than one call is made on this form

OK
J. F. K.
Jst
H. L. M.

DEPARTMENT OF AGRICULTURE

WASHINGTON

May 23, 1936.

MEMORANDUM NO. 694

Designation of Persons for the Purpose of Certifying to the Unavailability of Articles, Materials, or Supplies of Domestic Origin.

Memorandum No. 690 issued April 6, 1936, is hereby amended by the addition of the following:

"Regional Foresters and the Acting Director of the Plains Shelterbelt Project."

to the list of officers cited, so that the amended memorandum reads as follows:

Subject: Designation of persons for the purpose of certifying to the unavailability of articles, materials, or supplies of domestic origin.

References: Section 2, Title III, Act of March 3, 1933 (47 Stat. 1520). Comptroller General's decision A-69916, March 6, 1936.

The following officers and employees of the Department of Agriculture are hereby authorized and directed to determine and certify to facts in connection with the procurement for public use of articles, materials, or supplies, if such articles, materials, or supplies, or those from which they are manufactured, as the case may be, are not mined, produced or manufactured in the United States in sufficient and reasonably available commercial quantities and of satisfactory quality:

Chiefs and Directors of bureaus and offices
Chief, Division of Purchase, Sales, and Traffic
Chief, Central Supply Section
Regional Foresters and the Acting Director of the Plains Shelterbelt Project
Officers and employees lawfully acting in the capacity of any of the above officials

Each officer or employee to whom the above authority is delegated will support his certification in connection with the procurement of such articles, materials, or supplies, with a statement of the facts upon which such certificate is based and will be held responsible for the accuracy of any such statement and certification.

W. R. Gregg

Acting Secretary

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

ADDRESS REPLY TO
THE FORESTER
AND REFER TO

WASHINGTON

May 4, 1936

O
E & S
Procurement

MEMORANDUM FOR MR. JUMP

Dear Mr. Jump:

Please refer to your letter of April 25th and Mr. Granger's inquiry of April 20th concerning certificate of origin, which was addressed to the Secretary.

As suggested in the last paragraph of your letter it will be greatly appreciated if you will recommend to the Secretary that Memorandum No. 690 be amended to include the Regional Foresters and the Acting Director of the Plains Shelterbelt Project.

Very truly yours,

Acting Chief, Forest Service.

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

ADDRESS REPLY TO
THE FORESTER
AND REFER TO

WASHINGTON

April 20, 1936

O
E & S
Procurement

The Honorable,

The Secretary of Agriculture.

Dear Mr. Secretary:

Reference is made to Memorandum No. 690, dated April 6, 1936, relative to certifying to the unavailability of articles of domestic origin.

This circular authorizes and directs the Chiefs and Directors of bureaus and offices to determine and certify to facts in connection with the procurement of foreign goods. Inasmuch as practically all of the Forest Service purchases of foreign goods are procured through the regional offices, we are desirous of knowing whether the Chief of the bureau has authority to delegate this power to the Regional Foresters and the Acting Director of the Plains Shelterbelt Project. Since the actual purchases are made by authority of the above named officials, and in most cases in their particular locality, it is felt that the certificate and a statement of facts concerning the purchase of foreign goods could best be made by and signed by them and thus insure a more expeditious handling of the purchase.

No

We would appreciate advice on the above.

Very truly yours,

Acting Chief, Forest Service.

FS
TR-No
SCS-No

U. S. DEPARTMENT OF AGRICULTURE
OFFICE OF BUDGET AND FINANCE
WASHINGTON, D. C.

April 24, 1936

MR. JUMP:

Upon receipt of this request from the Forest Service I communicated with the Bureau of Public Roads and the Soil Conservation Service to inquire whether or not they might want to have their district engineers and regional conservators, respectively, also designated to issue such certificates, but both replied that they did not.

Under the circumstances the Forest Service is the only bureau which appears to be involved.

W. L. M.

April 25, 1936.

Mr. F. A. Silcox

Forest Service

Certificate of Origin

Dear Mr. Silcox:

Mr. Granger's inquiry of April 20 concerning certificate of origin, which was addressed to the Secretary, has been referred to me for attention.

According to the decision of the Comptroller General, A-69916, of March 6, 1934, "the finding required by the second sentence of section 2 of the act, supra, (relative to articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured, which are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities) may be made by a subordinate officer or officers of your Department specifically designated by you for the purpose....." It would therefore appear that you are not authorized to delegate this power to Regional Foresters and the Acting Director of the Plains Shelterbelt Project.

If you care to have me do so I shall be glad to recommend to the Secretary that Memorandum No. 690 be amended to include the Regional Foresters and the Director of the Plains Shelterbelt Project.

Very truly yours,

W. A. JUMP
Director of Finance

UNITED STATES DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

WASHINGTON, D. C.

MEMORANDUM NO. 695 May 27, 1936.

Sec #765 5/27/36

Investigation concerning floods or flood control

For the information and guidance of all members of the Department, there is quoted below Budget Bureau Circular 338, issued by direction of the President, May 14, 1936.

"Hereafter any department, establishment or other Government agency, including corporations, proposing to make any investigation concerning floods or flood control should, before the initiation of such investigation, transmit in writing to the National Resources Committee (in duplicate) the following information:

(1) The character, purpose, scope, and probable duration of the activity, research, or investigation.

(2) Whether such activity, research, or investigation is required by law, and if so, reference to the specific law or laws.

(3) The probable number of persons to be employed thereupon during the current fiscal year and an estimate of their salaries.

(4) An estimate of the cost thereof for the current fiscal year and of the probable total cost.

(5) A designation of the appropriation out of which the expenditures are proposed to be made.

"The National Resources Committee will advise the head of the department, establishment or agency concerned as to what work of the same or similar nature has been or is being done by any other department, establishment or agency.

"The National Resources Committee should furnish the Bureau of the Budget with a copy of its report together with a copy of the information received from the department, establishment or agency concerned.

"The provisions of Budget Circular No. 77 shall not apply to investigations concerning floods or flood control."

All correspondence pursuant to the requirements of Budget Bureau Circular 338 with respect to the various bureaus and offices of the Department of Agriculture will be prepared for the signature of the Secretary of Agriculture, and will be cleared through the Uniform Project Sytem of the Department. (See Office of Budget and Finance circular to Chiefs of Bureaus, dated April 27, 1936, entitled "New Department Activities".

H A Wallace

Secretary.

BUREAU OF THE BUDGET
Washington

May 14, 1936.

TO THE HEADS OF EXECUTIVE DEPARTMENTS,
INDEPENDENT ESTABLISHMENTS AND OTHER
GOVERNMENT AGENCIES, INCLUDING CORPORATIONS:

Hereafter any department, establishment or other Government agency, including corporations, proposing to make any investigation concerning floods or flood control should, before the initiation of such investigation, transmit in writing to the National Resources Committee (in duplicate) the following information:

(1) The character, purpose, scope, and probable duration of the activity, research, or investigation.

(2) Whether such activity, research, or investigation is required by law, and if so, reference to the specific law or laws.

(3) The probable number of persons to be employed thereupon during the current fiscal year and an estimate of their salaries.

(4) An estimate of the cost thereof for the current fiscal year and of the probable total cost.

(5) A designation of the appropriation out of which the expenditures are proposed to be made.

The National Resources Committee will advise the head of the department, establishment or agency concerned as to what work of the same or similar nature has been or is being done by any other department, establishment or agency.

The National Resources Committee should furnish the Bureau of the Budget with a copy of its report together with a copy of the information received from the department, establishment or agency concerned.

The provisions of Budget Circular No. 77 shall not apply to investigations concerning floods or flood control.

By direction of the President:

D. W. BELL
Acting Director of the
Bureau of the Budget.

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF BUDGET AND FINANCE
WASHINGTON, D. C.

April 27, 1936.

CHIEFS OF BUREAUS AND OFFICES:

New Departmental Activities

The Budget Bureau has called attention (see Budget Circular No. 337, attached) to an existing Budget regulation which directs the heads of departments before initiating any new activity to transmit in writing to the Budget Bureau certain information which is described in Budget Circular No. 77, a copy of which also is attached.

In view of the issuance of Budget Circular 337 it seems advisable at this time to quote for the information of all bureaus a proposed paragraph (numbered tentatively as 1322) of the revised Regulations of the Department, shortly to be issued, describing the procedure to be followed when new activities are to be undertaken, as follows:

> "New Work.- A bureau or office contemplating any new work not adequately described in a previously approved current uniform project shall submit a new or an amended project covering such work, through the Office of Budget and Finance, for advance approval of the Secretary and for submission, when necessary, of a report to the Bureau of the Budget pursuant to Budget Circulars No. 77 and No. 337. The proposed new work shall be submitted in writing either as (1) a new Financial Project; (2), a new Work Project; or (3) as additional work proposed under an existing Financial or Work Project. New Financial and Work Projects shall be submitted on the appropriate project forms. A full explanation of proposed additional work under an existing Financial or Work Project shall be submitted, including (a) the perspective, object and plan of the work, (b) an estimate of the cost thereof for the fiscal year in which the work is begun and of the probable total cost, (c) the probable number of persons to be employed thereupon during the current fiscal year and an estimate of their salaries, and (d) a statement as to whether the project will require an additional allotment of funds to carry on the proposed new work, and if so, the source of the funds. The information on new work submitted under any of the three above-mentioned categories should state whether or not the work is required by law, and, if so, reference should be made to the specific law or laws. These data will be reviewed to determine the desirability of the undertaking proposed, its possible relation to the work of any other bureau or department, and the propriety of its being conducted as an activity of the Department of Agriculture."

In the interest of simplification and to avoid the imposition of additional procedural requirements, this proposed regulation contemplates that the normal operation of the Department project system will be used to satisfy the requirements of Budget Circulars 77 and 337. If this is to be workable, however, it is essential that all bureaus follow carefully the provisions of the proposed regulation since only by strict and prompt adherence to them can the Departmental project system be used for compliance with the Budget Bureau's requirement. Unless the project system can be utilized it will be necessary to establish an additional procedure for that specific purpose.

Circular No. 337

BUREAU OF THE BUDGET
Washington

February 25, 1936.

TO THE HEADS OF EXECUTIVE DEPARTMENTS,
INDEPENDENT ESTABLISHMENTS AND OTHER
GOVERNMENT AGENCIES, INCLUDING CORPORATIONS:

There is attached a copy of Budget Circular No. 77, dated August 11, 1922, directing the heads of departments and establishments before initiating any new activity or any new work of research or investigation, to transmit in writing to the Bureau of the Budget certain information therein described, for the purpose of ascertaining to what extent work of the same or similar nature has been or is being done by any other department or establishment, to the end that duplication of efforts may be avoided.

The provisions of Budget Circular No. 77 are still in full force and applicable to all Government agencies, including corporations. It is brought to the attention of all concerned with the request that its terms be strictly followed.

By direction of the President:

D. W. BELL,
Acting Director of the
Bureau of the Budget.

TREASURY DEPARTMENT
Bureau of the Budget
WASHINGTON

August 11, 1922.

NEW DEPARTMENTAL ACTIVITIES

TO THE HEADS OF DEPARTMENTS AND ESTABLISHMENTS:

Instances have arisen where a department or establishment has entered upon a new activity or a new work of research or investigation which duplicated in whole or in part the work of some other department or establishment. If the heads of departments and establishments, before the initiation of such new activity or work, had knowledge of the fact that they were about to enter a field already covered to a greater or a lesser extent by the Government, they would themselves, in the interest of good business administration, avoid any such duplication. It is therefore advisable in order further to coordinate the work of the departments and establishments to establish a means whereby the heads of departments and establishments may be so informed, and to this end the following regulations are prescribed:

1. Hereafter, when any department or establishment proposes to enter upon any now activity or any new work of research or investigation, the head thereof will transmit in writing to the Bureau of the Budget the following information:

(a) The character, purpose, scope, and probable duration of the activity, research, or investigation.

(b) Whether such activity, research, or investigation is required by law, and if so, reference to the specific law or laws.

(c) The probable number of persons to be employed thereupon during the current fiscal year and an estimate of their salaries.

(d) An estimate of the cost thereof for the current fiscal year and of the probable total cost.

(e) A designation of the appropriation out of which the expenditures are proposed to be made.

2. The Bureau of the Budget will advise the head of the department or establishment concerned as to what work of the same or similar nature has been or is being done by any other department or establishment.

3. The provisions of this circular will not apply to investigations conducted by or required of any department or establishment with reference to the violation of the criminal laws of the United States.

By direction of the President:

H. M. LORD
Director of the
Bureau of the Budget.

Under the procedure which has been developed as part of the Project System this office probably will receive some reports on "new work" which constitute in essence an expansion or realignment of a category of work already under way, rather than new work in the sense contemplated by the Budget Bureau's requirement. Such items presumably would not need to be submitted to the Budget Bureau. In other words, there will be instances where new work contemplated by a particular bureau is not adequately described in the current project set-up and therefore will necessitate a notice under the proposed regulation quoted in the foregoing but which clearly would not be classified as "new work" from the standpoint of the Budget Bureau requirement. On this point, the principal factor involved appears to be the application of a common sense interpretation to make sure that we do report items that constitute new work in the sense contemplated by the Budget Bureau Circulars but at the same time avoid burdening the Budget Bureau with the consideration of numerous routine items that, while subject to classification as "new work" in the Departmental sense, in fact constitute merely an extension of an activity which has been conducted by the Department of Agriculture for many years. For example, the inauguration of work under an appropriation made specifically for investigations leading to prevention or control of a peach disease on which work had not been conducted previously by the Department would be reportable as new work under the Departmental project system but would not be reported by the Department to the Budget Bureau since it is already of record at the Budget Bureau that the Department conducts investigations of crop diseases. On the other hand, we would construe a new project which contemplated entomological investigations involving the experimental rearing of insects used in the practice of human medicine and surgery as reportable under both the Departmental project system and Budget Circulars 77 and 337.

The system proposed in the foregoing seems the most feasible plan for compliance with Budget Circulars 77 and 337. It is predicated entirely on the plan for reporting new work under the project system and places upon the members of the staff operating this system in the Office of Budget and Finance the responsibility for reporting in turn to the Budget Bureau, where such reports are indicated. In the final analysis it is necessary to require, however, that chiefs of bureaus assume the responsibility for bringing to the specific attention of this office, for handling under Budget Circulars 77 and 337, any new work which apparently should be reported to the Budget Bureau but which for any specific reason or exception is not covered by a report from the bureau under the Departmental project system.

W. A. Jump

W. A. JUMP,
Director of Finance.

Enclosures:
Budget Circular 77.
" " 337.

DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C.

Ordered Sec'y 792 6/9/36

June 9, 1936.

[redacted] SECRETARY'S MEMORANDUM NO. 696

HOURS OF DUTY PER DAY AND PER WEEK

In accordance with the provisions of the Act approved March 14, 1936, (Public No. 471 74th Congress), the following "General Public Regulations" are hereby promulgated governing the hours of duty per day and per week of all employees of the Department of Agriculture, except in cases where 40 hours per week or other limitation is legally required.

	Per Day	Per Week
1. Office workers (including messengers) in the clerical, administrative and fiscal services		
a. Employed principally in office, station or laboratory	7	39
b. Employed principally on outside work or in activities intimately connected with outdoor operations, such as timekeepers, stock issue clerks, etc. . .	8	44
2. Professional, scientific and technical workers.		
a. Employed principally in office, station or laboratory	7	39
b. Employed principally on outside work .	8	44
3. Sub-professional workers		
a. Employed principally in office, station or laboratory	7	39
b. Employed principally on outside work .	8	44
4. Custodial workers, such as janitors, cleaners*, general laborers, watchmen, guards, etc.	8	44
5. Unskilled workers employed principally on outside work, such as farm, construction or building laborers	8	44
6. Mechanical or trade workers	8	44

7. For workers of all groups stationed at institutions or commercial establishments where cooperative, regulatory or inspectional activities are conducted by the department, the hours of duty shall be fixed by the chief of the respective bureau to conform to the hours of duty adopted by the cooperating institution or commercial establishment: Provided, That the hours of duty so fixed shall be not less than the minimum required by these regulations for other department employees in similar groups or classes: Provided further, That a report of the hours of duty so fixed shall be furnished the Director of Personnel by the Chiefs of the respective bureaus.

8. For employees outside of the District of Columbia, except mechanics and laborers to whom the Eight Hour Law applies, a staggering of the hours of duty, where public interest so requires, may be provided by assignment of duty on an average of eight (8) hours per day or an average of forty-four hours per week with enforcement of this average spread over a three month period. In other words, the standard is to be a limit of 572 hours for a period of three calendar months. The averaging shall be accomplished over the usual quarterly periods of January-March, April-June, July-September, October-December.

*Except part time employees compensated at hourly rates.

In the interpretation of these regulations, consideration shall be given the principle represented in the differentiation of the hours of duty of employees working indoors and outdoors, namely, that the confinement and close application normally required of personnel engaged in indoor occupations constitutes deleterious factors which tend to make long periods of service uneconomical and inefficient. For employees required to perform service in both categories, each day shall be classed as indoor or outdoor work, in accordance with the predominant type of service and the hours of duty shall be those stipulated for the particular class of employment predominant.

The hours of duty per week stipulated by these regulations (except as provided in Paragraph 8) are predicated on a service period of five full days and four hours on Saturday. The non-work day shall be Sunday except that for special public reasons to permit the performance of work regularly required

7. For employees of all grades [illegible] in institutions or educational establishments where cooperative, regulated or [illegible] activities are carried on by the employees, the hours of duty shall be fixed by the chief of the respective bureau to conform to the hours of duty adopted by the cooperating institution or educational establishment: Provided, That the hours of duty so fixed shall be not less than the minimum required by these regulations for other department employees in similar groups or classes: Provided further, That a report of the hours of duty so fixed shall be furnished the Director of Personnel by the Chiefs of the respective bureaus.

8. For employees outside of the District of Columbia, except [illegible] and laborers to whom the Eight Hour Law applies, a [illegible] of the hours of duty, where public interest so requires, may be provided by assignment of duty on an average of eight (8) hours per day or an average of forty-four hours per week with enforcement of this average spread over a three month period. In other words, the standard is to be a limit of 572 hours for a period of three calendar months. The averaging shall be accomplished over the usual quarterly periods of January-March, April-June, July-September, October-December.

*Except part time employees compensated at hourly rates.

In the interpretation of these regulations, consideration shall be given [illegible] in the minimum [illegible] of the hours of duty of employees working indoors and outdoors, namely, that the confinement and close application normally required of personnel engaged in indoor occupations constitutes deleterious factors which tend to make long periods of service uneconomical and inefficient. For employees required to perform service in both categories, each day shall be classed as indoor or outdoor work, in accordance with the predominant type of service and the hours of duty shall be those established for the particular class of employment concerned.

The hours of duty per week established by these regulations are predicated on a service period of five full days and four hours on Saturday. The non-work day shall be Sunday except that for special public reasons to permit the performance of work regularly required

on Sunday, the fixing of some other day as a non-work day by a responsible administrative officer of the department is authorized. Services in excess of four hours on Saturday, required for the protection of the public interests, shall be compensated by a shortening of some other work day which, if possible, shall be within the following week. The compensatory time allowed for excess service on Saturday shall not exceed the difference between four hours and the normal work day (7 or 8 hours).

If necessary in the public interest, service in excess of the standards prescribed by these regulations may be required. Compensatory time for such excess service shall not be allowed except as provided in the above paragraph for Saturday half holiday service.

The staggering of the hours of duty authorized by paragraph 8 is permitted only for the protection of the public interests and must not be utilized for the benefit or convenience of the personnel. Assignment of employees to this group must be accomplished by responsible administrative officials and service in excess of the usual daily or weekly standards shall be performed only as directed or approved by the appropriate administrative superior. The average of 572 hours for a period of three months represents the minimum service to be rendered by employees assigned to this group. The restrictive provision of the Eight Hour Law with regard to the employment of mechanics and laborers is as follows:

> "That the service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States ***upon any of the public works of the United States***is hereby limited and restricted to eight hours in any one calendar day."

M. L. Wilson

Acting SECRETARY.

UNITED STATES DEPARTMENT OF AGRICULTURE
NATIONAL AGRICULTURAL RESEARCH CENTER
BELTSVILLE RESEARCH CENTER
BELTSVILLE, MARYLAND

#792

June 2, 1936.

MEMORANDUM FOR DR. W. W. STOCKBERGER
Director of Personnel

There is returned herewith the file covering the hours of duty of employees of the department.

The committee has carefully considered the opinion furnished by the Solicitor in the matter of the averaging of the hours of duty over periods of three months. In the light of the position assumed by the Solicitor, the committee has revised the suggested Secretary's Memorandum by the inclusion of the following additional paragraphs:

"8. For employees outside of the District of Columbia, except mechanics and laborers to whom the Eight Hour Law applies, a staggering of the hours of duty, where public interest so requires, may be provided by assignment of duty on an average of eight (8) hours per day or an average of forty-four hours per week with enforcement of this average spread over a three month period. In other words, the standard is to be a limit of 572 hours for a period of three calendar months. The averaging shall be accomplished over the usual quarterly periods of January-March, April-June, July-September, October-December."

"The staggering of the hours of duty authorized by paragraph 8 is permitted only for the protection of the public interests and must not be utilized for the benefit or convenience of the personnel. Assignment of employees to this group must be accomplished by responsible administrative officials and service in excess of the usual daily or weekly standards shall be performed only as directed or approved by the appropriate administrative superior. The average of 572 hours for a period of three months represents the minimum service to be rendered by employees assigned to this group. The restrictive provision of the Eight Hour Law with regard to theemployment of mechanics and laborers is as follows:

"'That the service and employment of all laborers and mechanics who are now or

may hereafter be employed by the Government of the United States *** upon any of the public works of the United States *** is hereby limited and restricted to eight hours in any one calendar day.'"

It will be noted that the recommendation of the committee has been broadened to permit the inclusion within the staggered hour group of any or all employees outside of the District of Columbia, except mechanics and laborers as defined by the Eight Hour Law. The committee was influenced in making this recommendation by the following facts, viz.

1. The opinion of the Solicitor that "there would seem to be no legal objection to the application of the proposed regulation to such employees."

2. The fact that the flexibility contemplated will probably be of inestimable value in a wide variety of occupations and the limitation of the group to "farm laborers" would place the conduct of department activities at a definite disadvantage as compared with the operations of other departments and establishments.

Should a decision unfavorable to the proposed action be rendered by the Comptroller General or the Attorney General, it will only be necessary to cancel the above quoted paragraphs in order to restore the regulations to the basis originally contemplated by the committee.

H. A. Donovan,
Bureau of Chemistry and Soils

E. E. Hall,
Bureau of Public Roads

Roy W. Kelly,
Soil Conservation Service

O. A. Zimmerli,
Forest Service

H. A. Nelson, (Chairman)
National Agricultural Research Center

may hereafter be employed by the Government of the United States *** upon any of the public works of the United states *** is hereby limited and restricted to eight hours in any one calendar day.'"

It will be noted that the recommendation of the committee has been broadened to permit the inclusion within the suggested hour group of any or all employees outside of the District of Columbia, except mechanics and laborers as defined by the Eight Hour Law. The committee was influenced in making this recommendation by the following facts, viz.

1. The opinion of the Solicitor that "there would seem to be no legal objection to the application of the proposed regulation to such employees."

2. The fact that the flexibility contemplated will probably be of inestimable value in a wide variety of occupations and the limitation of the group to "true laborers" would place the conduct of department activities at a definite disadvantage as compared with the operations of other departments and establishments.

Should a decision unfavorable to the proposed action be rendered by the Comptroller General or the Attorney General, it will only be necessary to cancel the above quoted paragraphs in order to restore the regulations to the basis originally contemplated by the committee.

_____
J. [illegible],
Bureau of Mechanics and Aids

_____
[illegible],
Bureau of Public Roads

_____
Roy W. Kelly,
Civil Engineering Service

_____
[illegible],
Assist [illegible]

_____
[illegible],
National Agricultural Research Center

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SOLICITOR
WASHINGTON

May 28, 1936.

Dear Dr. Stockberger:

The attached file was handed to me informally by Mr. Nelson on Tuesday. He asked that it be forwarded to you when it had served our purpose.

MGW

Mastin G. White,
Solicitor.

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SOLICITOR
WASHINGTON, D. C.

MAY 28 1936

MEMORANDUM FOR THE DIRECTOR OF PERSONNEL

Dear Dr. Stockberger:

Mr. H. A. Nelson, Director of the National Agricultural Research Center and chairman of a committee appointed by you to prepare recommendations regarding the regulations to be issued by the Secretary under section 2 of the act approved March 14, 1936 (Public, No. 471, 74th Congress), has requested the opinion of this office upon the validity of a proposed regulation governing the hours of labor of a certain class of employees denominated as "Employee group 3":

> Employee group 3. Duty of an average of 8 hours per day or an average of 44 hours per week with the enforcement of this average spread over a 3 months period. In other words the standard to be a limit of 572 hours for a 3-month period. ($\frac{44 \times 52}{4} = 572$)

It is believed that a regulation such as that quoted above could not be made applicable to any of the employees of the Department in the District of Columbia. With respect to such employees, the Secretary is subject to the provisions of section 5 of the act of March 3, 1893 (27 Stat. 715; Sec. 29, Title 5, U. S. C. A.), as follows:

> "Sec. 5. That on and after July first eighteen hundred and ninety-three, it shall be the duty of the heads of the several Executive Departments, in the interest of the public service, to require of all clerks and other employees, of whatever grade or class, in their respective departments, not less than seven hours of labor each day, except Sundays and days declared public holidays by law or executive order * * *."

Consequently, it would appear that no employee of the Department in the District of Columbia could be permitted to work less than seven hours on any day except Saturday (as to which Section 26a, Title 5, U. S. C. A., would be applicable), Sunday or a public holiday. Thus, if the proposed regulation were to be

adopted and a particular employee were to be required to work a considerable number of hours in excess of eight on several successive days, it would be difficult subsequently to balance the accumulated overtime by permitting reductions in the daily working hours, since a reduction of only one hour per day below the eight-hour average could be permitted in view of the statutory requirement that employees work not less than seven hours each day.

As to the employees of the Department outside the District of Columbia, there would seem to be no legal objection to the application of the proposed regulation to such employees, with the exception of those referred to in the next succeeding paragraph of this memorandum. Both the Attorney General and the Comptroller of the Treasury have said that section 5 of the act of March 3, 1893, quoted above, is applicable only to the employees of the executive departments in the city of Washington. 21 Op. Att'y Gen. 338, 340; 4 Comp. Dec. 427, 428. Consequently, the reason heretofore advanced against the application of the proposed regulation to the employees of the Department in the District of Columbia would not constitute an argument against the application of such regulation to the employees of the Department outside the District of Columbia.

It is clear, however, that "laborers" and "mechanics", whether employed by the Department in the District of Columbia or elsewhere, cannot be required to work more than eight hours in any one calendar day, except in emergencies. To require a "laborer" or "mechanic" to work longer than eight hours in any day would constitute a violation of Sections 321 and 322 of Title 40, United States Code, and would be a misdemeanor punishable by fine or imprisonment.

Therefore, the question of whether the proposed regulation might be made applicable to an employee of the Department outside the District of Columbia would depend, in my opinion, upon whether such employee was a "laborer" or "mechanic", within the meaning of those words as used in Sections 321 and 322, Title 40, United States Code. I have been informed orally by Mr. Nelson that the only class of employees thus far specifically considered by the committee of which he is chairman in connection with the application of the proposed regulation has been the farm laborer group. Mr. Nelson states that the committee is of the opinion that it would be desirable, if such action is legally permissible, to place farm laborers in the proposed "Employee group 3." In a decision dated May 10, 1935 (A-60981), the Comptroller General of the United States held that the so-called Eight-Hour Law

(Sections 321 and 322, Title 40, United States Code) "does not relate to farm hands or those engaged in agricultural pursuits, whose hours and days of labor must necessarily be controlled by the weather, the seasons, and other considerations not subject to administrative control." While the Attorney General, so far as I am informed, has not passed specifically upon the question of whether farm laborers are "laborers" or "mechanics", within the meaning of those words as used in the Eight-Hour Law, it is believed that his views on the subject would be similar to those of the Comptroller General. See 26 Op. Att'y Gen. 623.

I am of the opinion, therefore, that farm laborers employed by the Department outside the District of Columbia might be placed in "Employee group 3" and that the proposed regulation might be made applicable to them.

Sincerely yours,

Mastin G. White

Mastin G. White,
Solicitor.

UNITED STATES DEPARTMENT OF AGRICULTURE
BELTSVILLE RESEARCH CENTER
BELTSVILLE, MARYLAND

May 25, 1936.

MEMORANDUM FOR DR. W. W. STOCKBERGER
Director of Personnel

The undersigned were designated by you as a committee to prepare recommendations to be embodied in the "General Public Regulations" to be issued in accordance with the provisions of the Act of Congress approved March 14, 1936, (Public No. 471, 74th Congress). The recommendations of the committee are contained in the attached draft of a proposed Secretary's Memorandum. These recommendations have been drafted after careful consideration of the material submitted by the various bureaus of the Department and the plan outlined represents, it is believed, the general consensus of opinion. While the form of the proposed regulations differs materially from the plan adopted by the general committee composed of representatives of the various government establishments and operating under the supervision of the Civil Service Commission, it is believed that the sense of both proposals are practically identical with one very important exception, namely, that the general committee has approved a recommendation for a third group in the following terms:

> Employee group 3. Duty of an average of 8 hours per day or an average of 44 hours per week with the enforcement of this average spread over a 3 months period. In other words the standard to be a limit of 572 hours for a 3-month period. ($\frac{44 \times 52}{4} = 572$)

The proponents of this recommendation in the general committee defend the proposal on the basis that it constitutes a staggering of hours, but the members of your committee are a unit in the opinion that it would in fact authorize the granting of compensatory time and by so doing would violate not only existing legislation, but also the clearly expressed intent of Congress as demonstrated in the adoption of the new leave legislation. Mr. Moise of the Solicitor's Office has added the weight of his opinion to the attitude assumed by your committee. There exists, however, no question as to the desirability of the proposed action. Not only would such a regulation be advantageous from the standpoint of permitting the administrative officers of the Department to satisfactorily solve the vexing questions incident to farm operations, fire fighting, inspectional work, and numerous other activities conducted by the Department, but in addition desirable

benefits from the standpoint of permanency of employment would accrue to Department personnel. For example, in the case of farm labor, the Department would not be forced to appoint large groups for temporary utilization during the peak of the crop production season, when the demands for labor are heavy from all sources, and then to dismiss this staff at a time when outdoor activities are necessarily curtailed or eliminated. The application of this regulation would materially reduce the number of additional appointments required and the averaging of the hours of duty over a period of months would tend to equalize and standardize employment conditions. Despite the indicated advantages, the members of your committee are unwilling to recommend the inclusion of this provision in the proposed regulations unless the legal aspects are considered by responsible officials. A suggested submission to the Comptroller General has been prepared and is attached.

The members of your committee desire to call particular attention to the following provision contained in the proposed Secretary's Memorandum:

> "In the interpretation of these regulations consideration shall be given the principle represented in the differentiation of the hours of duty of employees working indoors and outdoors, namely, that the confinement and close application normally required of personnel engaged in indoor occupations constitute deleterious factors which tend to make long periods of service uneconomical and inefficient."

It is recognized that this is a policy statement and, therefore, it may be inappropriate for inclusion in the Public Regulations. Members of the committee were influenced to incorporate this language by the thought that it should prove helpful to administrative officers in attempting to solve the troublesome problems involved in the many border-line cases. Particular attention is directed to this feature in order that consideration may be given prior to promulgation.

Appropriate recommendations will be submitted in the matter of overtime reports as soon as the necessary information is obtained from the Civil Service Commission.

H. A. Donovan,
Bureau of Chemistry and Soils

Ernest E. Hall

E. E. Hall,
Bureau of Public Roads

Roy W. Kelly,
Soil Conservation Service

O. A. Zimmerli,
Forest Service

H. A. Nelson, (Chairman)
National Agricultural Research Center.

DEPARTMENT OF AGRICULTURE

WASHINGTON, D.C.

The Honorable,

The Comptroller General.

Dear Mr. Comptroller General:

The "General Public Regulations" governing the hours of duty of employees of this Department, as required under the provisions of section 2, of the Act approved March 14, 1936, (Public No. 471, 74th Congress) are now in process of preparation. Also, in conformity with the same section, consultation with the heads of departments and independent establishments has been accomplished through the medium of a general committee operating under the leadership of the Civil Service Committee. At a recent meeting of this general committee, recommendations submitted by an appropriate sub-committee were approved, and it is contemplated that these recommendations will serve as the general standard to accomplish the declared purpose of Congress in providing, as nearly as may be practicable, like treatment for the employees of all Government establishments. The recommendations adopted by the General Committee contained the following provisions:

WHERE NOT INCONSISTENT WITH LAW the standard hours of labor recommended are in three schedules, as follows:

Employee Group 1. Duty of 7 hours per day with 39 hours per week.

Employee Group 2. Duty of 8 hours per day with 40 or 44 hours per week.

Employee Group 3. Duty of an average of 8 hours per day or an average of 44 hours per week with the enforcement of this average spread over a 3 months period. In other words the standard to be a limit of 572 hours for a 3-month period. ($\frac{44 \times 52}{4} = 572$)

The occupations listed by the recommendations as being included under group 3 were as follows:

Railroad employees.
Custodial, maintenance, and guard employees in penal and correctional institutions.
Employees on ships and floating craft.
Professional and sub-professional employees in hospitals. Examples: Surgeons, physicians, dentists, internes, nurses, dietitians, laboratorians, occupational or physiotherapy aides or assistants, druggists and dental mechanics.
Maintenance and custodial workers in hospitals. Examples: Attendants, orderlies, mechanics, kitchen mess and dining room force, laundry workers, watchmen or guards, etc.
Farm laborers.
And such other occupations as correspond in character more nearly to those listed above in group 3 than to those listed in groups 1 and 2.

In addition to farm laborers, a number of occupational groups in this Department may properly be said to conform more nearly to those listed in group 3 than to those listed in groups 1 and 2, and definite advantages, therefore, would accrue to the Department in the adoption of group 3 as a recognized schedule for hours of duty. It would, therefore, be appreciated if you will advise as to whether or not inclusion of the average hours of duty may properly be provided in the "General Public Regulations" to be issued in accordance with the authorization contained in the new legislation. As it is mandatory to issue these regulations on or before June 14, 1936, your prompt consideration of this question will be appreciated.

Sincerely,

M L Wilson

Secretary.

UNITED STATES CIVIL SERVICE COMMISSION
WASHINGTON, D.C.

June 3, 1936

TO HEADS OF DEPARTMENTS, INDEPENDENT
ESTABLISHMENTS, AND GOVERNMENT CORPORATIONS

The Commission has the honor to transmit herewith copy of the Report of the Committee on Hours of Duty and Overtime, as amended at the general meeting of May 19, 1936, of representatives of all the agencies and establishments concerned. The Committee was appointed by direction of a similar meeting held March 26, 1936, called under authority of Section 2 of Public No. 471 - 74th Congress, approved March 14, 1936. Sections 2 and 3 of the Act are quoted in the Committee's report.

Please note that Section 2 requires the promulgation by each head of department, independent establishment, or Government corporation of its general public regulations "within three months from the date of approval of this Act," which is June 14, 1936.

The Civil Service Commission has approved the report and the recommendations made therein, and will transmit at the earliest possible date information and draft of a form on which it is desired that overtime be reported in order to serve as the basis for study by Congress of this phase of Federal employment.

By direction of the Commission:

Very respectfully,

Harry B. Mitchell,
President.

Incl. report.

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May 6, 1936.

REPORT OF COMMITTEE ON
HOURS OF DUTY AND OVERTIME

TO THE UNITED STATES CIVIL
SERVICE COMMISSION:

Your Committee on Hours of Duty and Overtime submits the following report.

Your Committee, after obtaining from each department and establishment their present schedules of hours of labor and carefully considering the same, has reached the conclusion that the various occupations involved may properly have their hours of duty standardized in three schedules, in meeting the purposes of Sections 2 and 3 of the Act of Congress entitled "An Act To provide for vacations to Government employees, and for other purposes", approved March 14, 1936 (Public No. 471 - 74th Congress), namely: The issuance of "general public regulations, not inconsistent with law, setting forth the hours of duty per day and per week for each group of employees," such regulations to be "as nearly uniform as possible, so that all employees, temporary or permanent, in all departments and independent establishments, shall receive like treatment as nearly as may be practicable."

Sections 2 and 3 of the above-mentioned Act provide:

> "Sec. 2. Each head of a department or independent establishment shall issue general public regulations, not inconsistent with law, setting forth the hours of duty per day and per week for each group of employees. Before issuing such regulations, which shall be issued within three months from the date of approval of this Act, the heads of departments and independent establishments shall meet and consult among themselves and make such regulations as nearly uniform as possible so that

all employees, temporary or permanent, in all departments and independent establishments shall receive like treatment as nearly as may be practicable: Provided, That heads of departments and independent establishments may appoint a subcommittee to draft such regulations.

"Sec. 3. Each head of a department or independent establishment shall keep a record of all work performed, in excess of the work required by departmental regulations issued in conformance with section 2 hereof, for the period commencing July 1, 1936 and ending December 31, 1936, and shall report same to the Civil Service Commission at the end of each month. The Civil Service Commission shall make a report of such record to the Congress on or before January 31, 1937."

These sections do not change existing law, but they clearly express the desire of Congress that as far as possible under existing law there be uniformity in the hours of duty of each group of employees, and that any excess of work beyond these hours of duty shall be reported monthly to the Civil Service Commission for the months of July to December, inclusive, 1936, for transmission to Congress.

Section 2 states that the "general public regulations" to be issued by "each head of a department or independent establishment" shall be "not inconsistent with law." Therefore, no authority is granted by this statute to issue "general public regulations" that are not in full compliance with existing laws. Quotations are made below from existing and representative statutes governing hours of duty.

"Sec. 7. * * * Hereafter it shall be the duty of the heads of the several executive departments, in the interest of the public service, to require of all clerks and other employees, of whatever grade or class, in their respective departments, not less than seven hours of labor each day, except Sundays and days provided public holidays by law or Executive order: Provided, That the heads of the departments may, by special order, stating the reason, further extend the hours of any clerk or employee in their departments, respectively; but in case of an extension it shall be without additional compensation: * * " (30 Stat. 316, Act of March 15, 1898).

"Hereafter it shall be the duty of the head of each Executive Department to require monthly reports to be made to him as to the condition of the public business in the several bureaus or offices of his Department at Washington; and in each case where such reports disclose that the public business is in arrears, the head of the department in which such arrears exist shall require, as provided herein, an extension of the hours of service to such clerks or employees as may be necessary to bring up such arrears of public business." (30 Stat. 317, Act of March 15, 1898).

"That on and after the effective date of this act four hours, exclusive of time for luncheon, shall constitute a day's work on Saturdays throughout the year, with pay or earnings for the day the same as on other days when full time is worked, for all civil employees of the Federal Government and the District of Columbia, exclusive of employees of the Postal Service, employees of the Panama Canal on the Isthmus, and employees of the Interior Department in the field, whether on the hourly, per diem, per annum, piecework, or other basis: Provided, That in all cases where for special public reasons, to be determined by the head of the department or establishment having supervision or control of such employees, the services of such employees cannot be spared, such employees shall be entitled to an equal shortening of the workday on some other day: Provided further, That the provisions of this act shall not deprive employees of any leave or holidays with pay to which they may now be entitled under existing laws." (Act of March 3, 1931, 46 Stat. 1482).

The President by Executive order of May 18, 1931, directed as follows with respect to Saturday working hours for the field service of the Department of the Interior:

"It is hereby ordered that 4 hours, exclusive of time for luncheon, shall constitute a day's work on Saturday for all clerks and other employees of the field service of the Department of the Interior; and all Executive or other orders in conflict herewith are hereby revoked.

"It is provided, however, that this order shall not apply to any bureau or office, or to any of the clerks or other employees thereof, that may for special public reasons be excepted therefrom by the head of said Department, or where the same would be inconsistent with the provisions of existing law."

"Sec. 11. From and after the date of enactment of this act, the provisions of the act of March 3, 1931 (U.S.C., Supp. V, title 5, sec. 26a), shall not apply to any employees of the Veterans' Administration Homes, Hospitals, or Combined Facilities where, in the discretion of the Administrator of Veterans' Affairs, the public interest requires that such employees should be excepted from the provisions thereof. As to those employees excepted from the provisions of the act of March 3, 1931, seven hours shall constitute a workday on Saturday and labor in excess of four hours on Saturdays shall not entitle such employees to an equal shortening of the workday on some other day or to additional compensation therefor. (Act of Mar. 3, 1933, 47 Stat. 1489).

"That the service and employment of all laborers and mechanics who are now, or may hereafter, be employed by the Government of the United States or the District of Columbia, or by any contractor or subcontractor, upon a public work of the United States or of the District of Columbia, and of all persons who are now, or may hereafter be, employed by the Government of the United States or the District of Columbia, or any contractor or subcontractor, to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, is hereby limited and restricted to 8 hours in any 1 calendar day; and it shall be unlawful for any officer of the United States Government or of the District of Columbia, or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics or of such persons employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, to work more than 8 hours in any calendar day, except in case of extraordinary emergency: Provided, That nothing in this act shall apply or be construed to apply to persons employed in connection with dredging or rock excavation in any river or harbor of the United States or of theDistrict of Columbia while not directly operating dredging or rock excavating machinery or tools, nor to persons engaged in construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable rivers of the United States.

"Any officer or agent of the Government of the United States or of the District of Columbia, or any contractor or subcontractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon a public work

of the United States or of the District of Columbia or any person employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, who shall intentionally violate any provision of section 321 of this title, shall be deemed guilty of a misdemeanor, and for each and every such offense shall, upon conviction, be punished by a fine not to exceed $1,000, or by imprisonment for not more than 6 months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof." (Aug. 1, 1892, 27 Stat. 340; Mar. 3, 1913, 37 Stat. 726).

"Sec. 23. The weekly compensation, minus any general percentage reduction which may be prescribed by Act of Congress, for the several trades and occupations, which is set by wage boards or other wage-fixing authorities, shall be reestablished and maintained at rates not lower than necessary to restore the full weekly earnings of such employees in accordance with the full-time weekly earnings under the respective wage schedules in effect on June 1, 1932: Provided, That the regular hours of labor shall not be more than forty per week; and all overtime shall be compensated for at the rate of not less than time and one-half." (48 Stat. 509, Mar. 28, 1934).

Another statute which must be observed is Sec. 665 of Title 31 of the U. S. Code which prohibits the creation of a deficiency, reading: - :

Title 31, Sec. 665:

"Expenditures in excess of appropriations; voluntary service forbidden; apportionment of appropriations for contingent expenses or other general purposes. - No executive department or other Government establishment of the United States shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law. Nor shall any department or any officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property. All appropriations made for contingent expenses or other general purposes, except appropriations made in fulfillment of contract obligations expressly authorized

> by law without reference to the amounts annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent expenditures in one portion of the year which may necessitate deficiency or additional appropriations to complete the service of the fiscal year for which said appropriations are made; and all such apportionments shall be adhered to and shall not be waived or modified except upon the happening of some extraordinary emergency or unusual circumstance which could not be anticipated at the time of making such apportionment, but this provision shall not apply to the contingent appropriations of the Senate or House of Representatives; and in case said apportionments are waived or modified as herein provided, the same shall be waived or modified in writing by the head of such executive department or other Government establishment having control of the expenditure, and the reasons therefor shall be fully set forth in each particular case and communicated to Congress in connection with estimates for any additional appropriations required on account thereof. Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than $100 or by imprisonment for not less than one month." (R.S. 3679; Mar. 3, 1905, c. 1484, 4, 33 Stat. 1257; Feb. 26, 1906, c. 510, 3, 34 Stat. 48).

The reports received from the various departments, independent establishments and Government corporations show wide variations in the number of hours worked throughout the country, apparently depending in large part upon the class or kind of employment. The Committee's recommendations, therefore, are founded upon its best judgment as to what should be appropriate hours of duty for each group of employees indicated below; but it must be pointed out that Section 2 of the Act of March 14, 1936 (Public No. 471 - 74th Congress), leaves to each head of department or independent establishment the final decision. This section, however, is clearly specific in requiring that such decision shall be made and shall be carried into formal "general public regulations, not inconsistent with law." The final date for the promulgation of such general public regulations is fixed by the statute as June 14, 1936.

In the light of existing law the Committee recommends that the individual heads of departments and independent establishments in complying with Section 2 of the Act of March 14, 1936, shall issue regulations as to hours of duty for their respective offices (under the Post Office Department only its departmental employees and the employees of the mail equipment shops are affected by this statute).

In preparing the schedules of standard hours, set forth below, your Committee has applied the view that the general custom should be enforced uniformly of having one day for each week, or its equivalent, as a non-work day (usually Sunday).

WHERE NOT INCONSISTENT WITH LAW the standard hours of labor recommended are in three schedules, as follows:

Employee Group 1. Duty of 7 hours per day with 39 hours per week.

Employee Group 2. Duty of 8 hours per day with 40 or 44 hours per week.

Employee Group 3. Duty of an average of 8 hours per day or an average of 44 hours per week with the enforcement of this average spread over a 3 months period. In other words, the standard to be a limit of 572 hours per 3-month period. $(\frac{44 \times 52}{4} = 572)$

OCCUPATIONS COMING UNDER GROUP 1.

Office workers in genral.
Foreign service employees.
Professional, scientific and technical employees, and sub-professional employees, employed principally in office or laboratory duty.
Office messengers and office laborers.
Administrative and staff employees in penal and correctional institutions and in hospitals.
Bank and similar examiners.

Investigational and inspectional employees engaged in the enforcement of Federal laws.
And such other occupations as correspond in character more nearly to those listed above in Group 1 than to those listed in Groups 2 and 3.

OCCUPATIONS COMING UNDER GROUP 2.

Professional, scientific and technical employees and sub-professional employees, employed principally on outdoor work.
Custodial or maintenance employees: Examples: Janitors, cleaners, laborers, messengers with special assignments, matrons, etc.
Laborers employed in shops and on outdoor work.
Mechanical and crafts employees.
Employees engaged in the protection of life and property, excepting as stipulated in Group 3.
And such other occupations as correspond in character more nearly to those listed above in Group 2 than to those listed in Groups 1 and 3.

OCCUPATIONS COMING UNDER GROUP 3.

Custodial, maintenance, and guard employees in penal and correctional institutions.
Employees on ships and floating craft.
Farm laborers.
Railroad employees.
Professional and sub-professional employees in hospitals. Examples: Surgeons, physicians, dentists, internes, nurses, dietitians, laboratorians, occupational or physiotherapy aides or assistants, druggists and dental mechanics.
Maintenance and custodial workers in hospitals. Examples: Attendants, orderlies, mechanics, kitchen mess and dining room force, laundry workers, watchmen or guards, etc.
And such other occupations as correspond in character more nearly to those listed above in Group 3 than to those listed in Groups 1 and 2.

Your Committee recommends that under Section 3 of the Act of March 14, 1936 (Public No. 471 - 74th Congress), overtime work be construed as work performed beyond the hours of duty required by departmental regulations issued in conformance with Section 2 of said Act, except that any excess less than 30 minutes in a day shall not be reported as overtime, nor shall there be any overtime reported not directed or approved by the appropriate administrative or executive superior.

The Committee further recommends that in the instructions issued by the Civil Service Commission in pursuance of Section 3 of the said Act, the following be included:

> "The records and reports of overtime shall be kept by department and establishment heads, and reported under each appropriation unit to the Civil Service Commission in the following two forms each month:
>
> (1) For each schedule of hours fixed in the regulations of each department or establishment, the amount of overtime in hours and what it would cost to pay for such overtime at the regular salary or wage rates of such overtime working employees. Where overtime is compensated, report hours and actual wages paid for such overtime.
>
> (2) The amount of overtime in hours which is in excess of the standard schedules recommended herein, and what it would cost to pay for such overtime at the regular salary or wage rates of such overtime working employees."

It is further recommended that the Civil Service Commission undertake to have department and establishment heads keep the Commission advised as to any departures they may make in their general public regulations from the standard schedules recommended herein, together with the reasons for each such departure. The reason for this recommendation is that obviously Congress is going to consider further legislation with relation to overtime, since reports have been called for by the Act covering a six months period, and the matter of compensation for overtime, either by pay or time returned, must necessarily relate either to standard schedules or to the variety of schedules the departments and establishments may individually adopt. Uniformity being a declared purpose of the

Act, explanations for non-uniformity should be forthcoming and be readily accessible to Congress.

All of which is respectfully submitted.

D. J. Donovan (Chairman)
Auditor of the District of Columbia

W. D. Searle
Chief, Civilian Personnel, War Department

Gordon R. Clapp
Director, Personnel Division
Tennessee Valley Authority

Harvey C. Donaldson
Chief Clerk, Department of Justice

Russell H. Herrell
Comptroller, Government Printing Office

Mrs. B. M. Stern
Ass't Sec'y, Nat'l Labor Relations Board

R. R. Zimmerman
Director of Personnel
Federal Home Loan Bank Board

COMMITTEE ON HOURS OF DUTY AND OVERTIME

DEPARTMENT OF AGRICULTURE
WASHINGTON

Ordered #813 6/19/36

June 18, 1936.

MEMORANDUM NO. 697

Aerial Photography

Recently there has been brought to my attention the necessity for coordination between the various organizations of the Department which use aerial photographs. To that end the following clearance procedure, subject to amendment from time to time by the Land Policy Committee, is established relative to the institution of such surveys:

1. All proposed projects involving aerial photography shall have the advance approval of the Land Policy Committee.

2. Specifications for aerial photography shall conform to the specifications indorsed by the Land Policy Committee, and to the requirements of the Office of Budget and Finance of the Department.

3. The application to the Land Policy Committee for approval shall be made in quadruplicate on the prescribed form and each form shall have attached a small scale map showing the area for which photographs are desired (on a base showing State and county lines).

4. Upon receipt of an application, the Land Policy Committee shall promptly inform a designated officer of interested Bureaus and Agencies in the Department and request information on whether:

(a) The designated officer knows of available surveys for the area,

(b) The Bureau or Agency contemplates any work within or in the vicinity of the area for which aerial photographs would be of assistance,

(c) Its needs, if any, for the area would be met by the proposed aerial photographs, and

(d) It desires to cooperate in the project.

5. The Land Policy Committee shall, through a designated officer, contact the Federal Board of Surveys and Maps and shall inform the Map Information Office of the proposed aerial photography, and shall request information for the area regarding available maps, proposed surveys or surveys in progress and whether any Agency outside the Department of Agriculture may be desirous of securing survey data for the area or in the immediate vicinity thereof.

6. After receiving the information indicated above and if such information indicates that other Agencies are interested, the Land Policy Committee shall request the Agency making the application to directly contact such Agency and advise the Committee of the result.

7. When it appears that satisfactory coordination has been secured; that the proposed aerial photography will not duplicate the work of other Agencies; that the photographs will be adequate in scale and detail, and that the work will be in full conformity with approved specifications, the Land Policy Committee shall approve the application and authorize the beginning of work.

8. There is hereby set up a Subcommittee on Aerial Photography of the Land Policy Committee to consist of Glenn L. Fuller of the Soil

Conservation Service, Theodore W. Norcross of the Forest Service, and Mark Baldwin of the Bureau of Chemistry and Soils. This Sub-committee shall examine and expedite the approval of the aerial photographic projects submitted to the Land Policy Committee; shall suggest or propose revisions when necessary in the specifications for aerial surveys; and keep informed as to advances in technic of aerial photography and in utilization of aerial photographs.

Sincerely yours,

H A Wallace

Secretary.

Enclosure.

To be submitted in quadruplicate with maps.

Reg 915

DEPARTMENT OF AGRICULTURE

LAND POLICY COMMITTEE

AIRPLANE PHOTOGRAPHY

APPLICATION

Bureau_____ Date of Application_____

Project name and/or number_____

Location of proposed work

State or States_____

County or Counties_____

(Also show approximate location on small scale, outline map showing State and county lines.)

1. Purpose of project_____

2. Approximate area to be photographed, in square miles or acres_____

3. Are photographs to be used in preparing a mosaic?_____

a planimetric map?_____

a topographic map?_____

4. Proposed scales: - of contact photographs_____,

of enlargements_____, of maps_____

of maps (preliminary or advance form)_____

of maps (final or publication)_____

5. If map is to be prepared, what details will be shown?_____

DEPARTMENT OF AGRICULTURE

LAND POLICY COMMITTEE

AERIAL PHOTOGRAPHY

APPLICATION

Bureau _____ Date of Application _____

Project name and/or number _____

Location of proposed work:

State or States _____

County or Counties _____

(Also from appropriate location on small scale, outline map showing State and county lines.)

1. Purpose of project _____

_____

_____

2. Approximate area to be photographed, in square miles or acres _____

3. Are photographs to be used in preparing a topographic _____

a planimetric map? _____

a topographic map? _____

4. Proposed scales: - of contact photographs _____?

of enlargements _____, of maps _____

of maps (preliminary or private use) _____

of maps (final or publication) _____

5. If map is to be prepared, what details will be shown? _____

_____

6. Under what conditions will prints of airphotographs be available for other agencies?_____

Approximate cost per print_____

7. Will maps, if made, be available to other agencies?_____

8. Estimated date of starting and completing air photography_____

of mosaic and/or map_____

9. Will the specifications for airphotography and ground control be fully in conformity with the approved specifications for such work?_____

10. Will the airphotography be contracted?_____ If not, what agency will do the work?_____

11. What agency (Federal, State or local) will cooperate in the airphotography?

_____, in the preparation of a mosaic?_____

in the compilation and preparation of the map?_____

12. Estimated contract cost per square mile, maximum $____; minimum, $____

13. Remarks_____

_____

_____

_____
Bureau

by

_____
Title

Approved_____
date

by_____
Land Policy Committee

***

6. Under what conditions will prints of photographs be available for other agencies? _____

Approximate cost per print? _____

7. Will maps, if made, be available to other agencies? _____

8. Estimated date of starting and completing air photography of which land? _____

9. Will the specifications for aerophotography and ground control be fully in conformity with the approved specifications for such work? _____

10. Will the aerophotography be contracted? _____ If not, what agency will do the work? _____

11. What agency (Federal, State or local) will cooperate in the aerophotography? _____ in the preparation of a map? _____ in the compilation and presentation of the map? _____

12. Estimated contract cost per square mile, maximum $____; minimum, $_____

13. Remarks _____

_____

_____

_____

_____

_____

_____

By

_____

Title

_____

Date

_____

Local Public Agencies

UNITED STATES DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

WASHINGTON

No.

Memorandum No. ____

June 18, 1936.

~~MEMORANDUM TO ALL DIRECTORS AND CHIEFS OF BUREAUS~~

~~Re:~~ Aerial Photography

Recently there has been brought to my attention the necessity for coordination between the various organizations of the Department which use aerial photographs. To that end ~~the Land Policy Committee of the Department has, after careful consideration, set up~~ the following clearance procedure is established, subject to amendment relative to the institution of such surveys.

1. All proposed projects involving aerial photography shall have the advance approval of the Land Policy Committee.

2. Specifications for aerial photography shall conform to the specifications indorsed by the Land Policy Committee, and to the requirements of the Office of the Budget and Finance of the Department, ~~and the Director of the Procurement Division of the Treasury Department.~~

3. The application to the Land Policy Committee for approval shall be made in quadruplicate on the prescribed form and each form shall have attached a small scale map showing the area for which photographs are desired (on a base showing State and county lines).

4. Upon receipt of an application, the Land Policy Committee shall promptly inform a designated officer of interested Bureaus and Agencies in the Department and request information on whether:

(a) The designated officer knows of available surveys for the area,

U. S. DEPARTMENT OF AGRICULTURE
OFFICE OF BUDGET AND FINANCE
WASHINGTON, D. C.

6/19 193

Mr. Jump
Mr Perkins
&
Mr Peterson

By agreement with Mr Hendrickson, who has initialed, we have modified Secy's memo of 6/18 before it got out, subject to Secy's OK. If OK to issue as changed pls return to me

Rush

WWJ

UNITED STATES DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

WASHINGTON

Ordered #30 Sec 7/9/36 (R)

July 9, 1936.

MEMORANDUM NO. 698.

Committee on Valuation of Lands in Flood Control Area

The Secretary of War having requested that this Department prepare and submit to the Board of Army Engineers an appraisal of properties within certain areas in connection with the developments for flood control of the Mississippi Valley, the following named, upon recommendation of the chiefs of the bureaus indicated, are constituted a special committee to represent them in this work:

G. R. Boyd, Bureau of Agricultural Engineering, Chairman
L. C. Gray, Bureau of Agricultural Economics
W. P. Kramer, Forest Service
J. K. Ableiter, Bureau of Chemistry and Soils

While existing organization units in the several bureaus will be utilized for the valuation work, it will be the duty of the Committee to provide for unity of control and planning and coordination of this activity, and to conduct such conferences with the Board of Army Engineers as may be necessary. The work will be financed by transfers of funds from War Department appropriations for flood control, which will be allotted to the proper bureaus.

The Committee will prepare and submit to the Secretary as soon as possible recommendations covering the plan and procedure to be followed in this work, together with the estimated financial requirements of the several bureaus concerned. The reports and recommendations of the Committee will at all times be cleared through the chiefs of the bureaus represented thereon.

R G Tugwell

Acting Secretary.

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF AGRICULTURAL ENGINEERING
WASHINGTON, D.C.

May 28, 1936.

Mr. Appleby: 204 [illegible]

Before Mr. McCrory left for a trip this afternoon he asked that these memoranda be sent you setting up the Committee on Valuation of Lands in Flood Control Area.

As a result of this committee there have been several reports made to the War Department which, if you wish, I will get out of the files.

K.McSorley,
Secretary to Mr.McCrory

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF AGRICULTURAL ENGINEERING
WASHINGTON, D. C.

IN YOUR REPLY PLEASE REFER TO FILE No. M-1

Make letter Sec. memo. Copy to PHA

July 6, 1936

MEMORANDUM FOR MR. P. H. APPLEBY,
Assistant to the Secretary.

Dear Mr. Appleby:

In regard to the continuance of the Departmental Committee on Valuation of Lands in Flood Control Area, the following names have been recommended by the several Bureau Chiefs:

Geo. R. Boyd, Chairman, Bureau of Agricultural Engineering.
L. C. Gray, Bureau of Agricultural Economics.
W. P. Kramer, Forest Service.
J. K. Ableiter, Bureau of Chemistry and Soils.

Since the original committee was established by Secretary's memorandum, it seems appropriate that this new committee be set up in the same manner.

Very truly yours,

S. H. McCrory,
Chief of Bureau.

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

ADDRESS REPLY TO
THE FORESTER
AND REFER TO L

WASHINGTON

Cooperation,
War Department,
Mississippi Flood Control.

May 28, 1936.

MEMORANDUM FOR MR. APPLEBY

Dear Mr. Appleby:

Reference is made to your memorandum of May 9 and the reply of the Forest Service of May 14 regarding the continuance of the Departmental Committee on Valuation of Lands in Flood Control Area covered by Secretary Hyde's memorandum No. 625 of June 4, 1932:

In the event that the Committee is continued, the most logical representative of the Forest Service would be William P. Kramer, Assistant Regional Forester in charge of Recreation and Lands and Land Acquisition, in Region Eight, which Region embraces the projects with which the Committee would have to deal.

Very sincerely yours,

E. Bachofen

Acting Chief, Forest Service.

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF AGRICULTURAL ECONOMICS
WASHINGTON

OFFICE OF THE CHIEF

May 28, 1936.

MEMORANDUM FOR MR. PAUL H. APPLEBY
Office of the Secretary.

Dear Paul:

In response to your memorandum of May 9 I would agree that it is desirable to continue the Committee on Valuation of Lands in Flood Control Area. Probably this committee is not active. I would suggest that Dr. Gray be continued as the representative of the Bureau of Agricultural Economics. He still retains his leadership of the Division of Land Economics even though he is carried on the payroll of the Resettlement Administration.

Sincerely yours,

A. G. Black,
Chief of Bureau.

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

ADDRESS REPLY TO
THE FORESTER
AND REFER TO

L
Supervision

WASHINGTON

May 14, 1936.

MEMORANDUM FOR MR. APPLEBY:

Dear Mr. Appleby:

Reference is made to your memorandum of May 9 regarding the continuance of the Departmental Committee on Valuation of Lands in Flood Control Area covered by Secretary Hyde's memorandum No. 625 of ~~June 4, 1934~~:

The Committee in question was created to meet a special condition resulting from certain plans of the War Department to acquire large areas of lands within certain flood control projects. The program has been inactive for several years and may, in fact, have been replaced by other War Department plans. In the circumstances the need for the continuance of the Committee does not appear urgent. There is, however, no objection to the continuance of the Committee if the War Department so desires and, as Mr. McCrory suggests, there may be certain advantages in perpetuating a close working relationship with the War Department in this field.

Mr. Ira T. Yarnall is now an Assistant Regional Forester in Region Seven and it is not understood that any of the projects with which the Committee would deal are in that Region. The Forest Service membership on the Committee preferably should be through a member of the organization of Region Eight, and Regional Forester Kircher is being asked to submit the name of the member of his organization whom he regards as best qualified to function as a member of the Committee.

Sincerely yours,

Acting Chief, Forest Service.

DEPARTMENT OF AGRICULTURE
WASHINGTON

Ordered #34 7/11/36

MEMORANDUM NO. 699

July 10, 1936.

Departmental Board of Survey

In accordance with Paragraph 4421 of the revised Regulations of the Department, the following officials are appointed, effective July 1, 1936, a Departmental Board of Survey, whose terms shall run as indicated:

A. McC. Ashley, Chairman, until June 30, 1937,
Joseph Haley, until June 30, 1939,
S. A. Snyder, until June 30, 1938.

Under the regulation cited above, this Board has the following functions:

1. To determine the disposition of all unserviceable or surplus property (other than real property) or materials in the Department at Washington, D. C.;

2. To determine, after communication with the Procurement Division of the Treasury Department, the disposition of all surplus serviceable property or materials at field stations;

3. To determine the disposition of all unserviceable property or materials at field stations having an estimated value in excess of $500.

Insofar as unserviceable or surplus property and materials in Washington, D. C. are concerned, this Board will receive from chiefs of bureaus from time to time lists of property or materials in Washington which are unserviceable or surplus, inspect the same, determine disposition after communication with the Procurement Division, and see that such disposition is made of such property or materials.

The procedure to be followed in determining disposition of property in Washington will be, after inspection, to have such property listed, tagged, and exhibited after notification to all bureau property officers and then transfer without charge to bureaus or offices such articles as may be desired, taking a receipt and attaching it to the turn-in papers.

[illegible]

[illegible]

[illegible]

In accordance with Department Order of the revised Regulations of the Government, the following officials are appointed, effective July 1, 1[illegible], a Departmental Board of Survey, whose terms shall run as follows:

[illegible]

Under the regulation cited above, this Board has the following duties:

1. To determine the disposition of all unserviceable or surplus property (other than real property) or materials in the Government at Washington, D. C.;

2. To determine, after correspondence with the [illegible] disposition of all surplus serviceable property or materials at field stations;

3. To determine the disposition of all unserviceable property or materials in at field stations having an estimated value in excess of $50.

Inspector is responsible for surplus property and materials in Washington, D. C. are concerned, this Board will receive from a list of property from time to time. Lists of property or materials in [illegible] disposed on after consultation with the [illegible] Department Stations, and [illegible] that are of no condition in need of such property or materials.

The procedure to be followed in determining disposition of property in Washington will be, after inspection, to have such property [illegible] and then transfer without charge, by bureau or officer such articles as may be desired, taking a receipt and adjusting it to the bureau in process.

Articles not transferred to bureaus or offices will be held in stock for a reasonable time and, if not needed by the Department, disposed of through transfer to the Procurement Division of the Treasury Department.

Insofar as surplus serviceable property and materials at field stations are concerned, this Board will receive from field boards of survey, through chiefs of bureaus, recommendations concerning disposition, communicate with other bureaus, and if such property or materials are not required by them communicate with the Procurement Division. If no other Federal agency requires such property or materials, sale or destruction of them will be authorized.

Insofar as unserviceable property or materials in the field having an estimated value in excess of $500 are concerned, this Board will receive from boards of survey at field stations, through the chief of bureau, recommendations regarding such property or materials, make such inspection either personally or through deputies, as may be considered necessary, and determine disposition of it.

The chairman is authorized to designate an employee of the Department to serve as secretary without additional compensation.

R G Tugwell

Acting Secretary.

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SOLICITOR
WASHINGTON, D. C.

JUL - 2 1936

MEMORANDUM FOR MR. JUMP

Dear Mr. Jump:

I return approved, with the following suggestion, the memorandum prepared for the Secretary's signature relating to the Board of Survey:

I suggest that the last sentence of the regulation be changed so as to read:

> "The chairman is authorized to designate an employee of the Department to serve as secretary without additional compensation."

Very truly yours,

Assistant Solicitor.

Enclosure.

Articles not transferred to bureaus or offices will be held in stock for a reasonable time and, if not needed by the Department, disposed of through transfer to the Procurement Division of the Treasury Department.

Insofar as surplus serviceable property and materials at field stations are concerned, this Board will receive from field boards of survey, through chiefs of bureaus, recommendations concerning disposition, communicate with other bureaus, and if such property or materials are not required by them communicate with the Procurement Division. If no other Federal agency requires such property or materials, sale or destruction of them will be authorized.

Insofar as unserviceable property or materials in the field having an estimated value in excess of $500 are concerned, this Board will receive from boards of survey at field stations, through the chief of bureau, recommendations regarding such property or materials, make such inspection either personally or through deputies, as may be considered necessary, and determine disposition of it.

The Chairman is authorized to appoint a secretary.

Secretary.

DEPARTMENT OF AGRICULTURE
WASHINGTON

MEMORANDUM NO.

Departmental Board of Survey

In accordance with Paragraph 4421 of the revised Regulations of the Department, the following officials are appointed, effective July 1, 1936, a Departmental Board of Survey, whose terms shall run as indicated:

A. McC. Ashley, Chairman, until June 30, 1937,
Joseph Haley, until June 30, 1939,
S. A. Snyder, until June 30, 1938.

Under the regulation cited above, this Board has the following functions:

1. To determine the disposition of all unserviceable or surplus property (other than real property) or materials in the Department at Washington, D. C.;

2. To determine, after communication with the Procurement Division of the Treasury Department, the disposition of all surplus serviceable property or materials at field stations;

3. To determine the disposition of all unserviceable property or materials at field stations having an estimated value in excess of $500.

Insofar as unserviceable or surplus property and materials in Washington, D. C. are concerned, this Board will receive from chiefs of bureaus from time to time lists of property or materials in Washington which are unserviceable or surplus, inspect the same, determine disposition after communication with the Procurement Division, and see that such disposition is made of such property or materials.

The procedure to be followed in determining disposition of property in Washington will be, after inspection, to have such property listed, tagged, and exhibited after notification to all bureau property officers and then transfer without charge to bureaus or offices such articles as may be desired, taking a receipt and attaching it to the turn-in papers.

DEPARTMENT OF AGRICULTURE
WASHINGTON

MEMORANDUM NO.

Departmental Board of Survey

In accordance with paragraph 4421 of the revised Regulations of the Department, the following officials are appointed, effective July 1, 1936, a Departmental Board of Survey, whose terms shall run as indicated:

A. McC. Ashley, Chairman, ~~Fiscal year ending~~ until June 30, 1937,
Joseph Haley, ~~Fiscal year ending~~ June 30, 1939
S. A. Snyder, ~~Fiscal year ending~~ June 30, 1938.

This Board has the following functions:

1. To determine the disposition of all unserviceable or surplus property (other than real property) or materials in the Department at Washington, D. C.;

2. To determine, after communication with the Procurement Division of the Treasury Department, the disposition of all surplus serviceable property or materials at field stations;

3. To determine the disposition of all unserviceable property or materials at field stations having an estimated value in excess of $500.

Insofar as unserviceable or surplus property and materials in Washington, D. C. are concerned, this Board will receive from chiefs of bureaus from time to time lists of property or materials in Washington which are unserviceable or surplus, inspect the same, determine disposition after communication with the Procurement Division, and see that such disposition is made of such property or materials.

The procedure to be followed in determining disposition of property in Washington will be, after inspection, to have such property listed, tagged, and exhibited after notification to all bureau property officers and then transfer without charge to bureaus or offices such articles as may be desired, taking a receipt and attaching it to the turn-in papers.

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF BUDGET AND FINANCE
WASHINGTON, D. C.

DIVISION OF PURCHASE, SALES, AND TRAFFIC

June 12, 1936.

Memorandum for Mr. W. L. Miller,
Office of Finance.

Dear Mr. Miller:

Since the revised Regulations of the Department are in print and will become effective on July 1, next, I think it will be well to try them out for a time as to the Departmental Board of Survey. If it be found that the procedure does not work smoothly, the Regulations can be amended later.

There are certain duties imposed upon the Board, however, in connection with the physical handling of surplus material in Washington, D. C., which neither Mr. Haley nor myself can do more than supervise. I refer to those matters which are now being handled by the old Board. I can take care of these duties if you substitute the name of Mr. H. T. O'Neale for that of Mr. S. A. Snyder on the new Board. My complete suggestion is that you have Mr. Haley appointed for the three year term, have me appointed for the two year term and designated as Chairman, and have Mr. O'Neale appointed for the one year term.

Most of the routine work of the new Board will necessarily have to be conducted by the Chairman, whose acts, however, will be approved by the Board at its more or less frequent meetings. Mr. O'Neale will continue to act, under my supervision, much as he is acting at present. It may or may not be necessary to have Mr. O'Neale reappointed at the expiration of his initial one year term. At the expiration of my term, Mr. Snyder can succeed me, Mr. Haley being designated at that time as Chairman. I shall see to it, in the meantime, that he is fully educated in the details of handling surplus property, both serviceable and unserviceable.

I shall be glad to discuss these suggestions with you at your convenience, if you so desire.

Your file is returned herewith.

Very truly yours,

Alex. McC. Ashley
Chief of Division.

Encl.

U. S. DEPARTMENT OF AGRICULTURE
OFFICE OF BUDGET AND FINANCE
WASHINGTON, D. C.

.....193

11/25

Mr Miller

Before this is released, I would like to know more definitely than I now recall just what this Board does & how it does it. If not already informed could you find out & then tell me. Can be done verbally.

WA

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF BUDGET AND FINANCE
WASHINGTON, D.C.

Budget and Finance Circular No.

Board of Survey

Mr. E. C. Estes is hereby appointed a member of the Board of Survey, vice Mr. C. C. Wilson. As at present constituted, the board consists of

Mr. H. T. O'Neale, Chairman,
Mr. J. R. Caspar, and
Mr. E. C. Estes

Director of Finance.

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF BUDGET AND FINANCE
WASHINGTON, D.C.

November 12, 1935

MR. JUMP:

I have been informed by Mr.Ashley that for years the Secretary has delegated the appointment of members of Boards of Survey to the Director of Personnel and Business Administration.

Memorandum No. 646, dated May 17, 1934, entitled "Personnel and Business Administration," signed by Secretary Wallace, provides that:"the Director of Finance will be the general agent and representative of the Secretary of Agriculture in matters of budget and finance and will exercise general oversight and supervision of the fiscal, accounting, purchasing and the related work of the Department."

It appears to Mr. Ashley and to me that you have ample authority under this memorandum to appoint members to the Board of Survey.

W. L. M.

Please return to
H. L. Miller

COPY

CIRCULAR LETTER. July 10, 1912

BOARD OF SURVEY

The following employees of the Department of Agriculture are designated as members of the Board of Survey:

A. A. Ormsby, Office of the Chief Clerk, Chairman.
Lewis Jones, Chief Engineer.
F. E. Meloy, Property Clerk, B. P. I.
E. A. Bennett, Property Clerk, B. A. I.

The Board is hereby charged with the duty of inspecting such property of this Department in the City Washington as shall be reported to it by the Chief Clerk of the Department during the fiscal year ending June 30, 1912, as having been worn out or unserviceable, or of no practical use to the Department or to a particular Bureau thereof.

The Board will carefully review and examine all property turned in by the different Bureaus, Divisions and Offices, all of which shall be subject to its inspection; and it will recommend such disposition of the same by sale, reissue, or destruction as will, in its judgment, best subserve the public interests.

It shall be the duty of the Board of Survey to see to the destruction of all property which by its action is condemned or ordered destroyed.

At least three members of the Board shall actually inspect and make recommendations as to all such property.

/S/ James Wilson
Secretary.

Attest:

Chief Clerk of Department.

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON

August 29, 1923.

MEMORANDUM NO. 448

Board of Survey.

Effective September 1, 1923, the Department Board of Survey in Washington will function under the direction of the Director of Purchases and Sales. The Board will be composed of the following:

B. H. Dutrow, Chairman.
C. C. Wilson.
H. A. Nelson.

The chief clerk or other designated officer of each bureau of the Department will have all unserviceable articles, as well as all other articles which are of no further use to the bureau in Washington, turned over on the first and third Monday of each month to the Board for issue to other bureaus, to place in stock in the Department supply room, to deliver to the Mechanical Superintendent for salvage of such parts as may be useful, or if not needed by any branch of the Department for delivery to the General Supply Committee as required by law.

The Board shall also order and supervise the destruction of articles which are absolutely worthless or cannot be utilized in the Department or by the General Supply Committee.

Mr. Dutrow will continue to handle the sale of all surplus perishable products from the various bureaus.

Henry C. Wallace
Secretary.

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF BUDGET AND FINANCE
WASHINGTON, D. C.

~~Ashley~~
Snyder
~~Haley~~
~~Allanson BPI~~
~~Spencer BPQ~~
Wold fs
~~Curtice bpr~~
~~Abbot (SCS)~~

November 29, 1935

For annumber of years the procedure followed in setting up boards of survey in Washington has been rather informal. While this arrangement has some advantages, it appears desirable to prescribe a more definite system. With this in mind, there is submitted a proposed regulation for inclusion in the revised regulations of the Department relating to the establishment and procedure of boards of survey both in Washington and in the field.

As it may be desirable to issue this individual regulation without waiting for the complete revision of the Regulations, I shall appreciate your frank comments upon this draft. Could you let me have them within the next day or two?

Very truly yours,

Walter L. Miller
Executive Secretary
Committee on Revision of Regulations

Enclosure.

BOARDS OF SURVEY

Departmental Board of Survey:- The Secretary of Agriculture shall appoint a board of survey, composed of three members whose terms shall run for one, two, and three years, respectively, but thereafter their terms shall run for three years, one of whom shall be designated chairman.

This Board shall have two functions: 1) to determine disposition of unserviceable or unnecessary property or materials at field stations having an estimated value in excess of $500 ($1,000 in the Forest Service and the Bureau of Public Roads); and 2) to determine disposition of all unserviceable or unnecessary property or materials in the Department at Washington, D. C.

Insofar as unserviceable or unnecessary property or materials in the field are concerned, this Board will receive from boards of survey at field stations recommendations regarding such property or materials, make such inspection, either personally or through deputies, as may be considered necessary, determine dispositionof it, by sale, reissue, or destruction as will, in its judgment, best serve the public interest.

Insofar as unserviceable or unnecessary property and materials in Washington, D. C., are concerned, this Board will receive from chiefs of bureaus from time to time lists of property or materials in Washington which are unserviceable or unnecessary, inspect the same, determine disposition, and see that such disposition is made of such property or materials.

The procedure to be followed in determining disposition of property in Washington will be, after the inspection, to have such property listed, tagged, and exhibited, after notification to all bureau property officers,

Board of Survey

Departmental Board of Survey.- The managers of departments shall nominate a board of survey, composed of three members whose terms shall run for one, two, and three years, respectively, but thereafter their terms shall run for three years, one of whom shall be designated chairman.

This Board shall have two functions: 1) to determine disposition of unserviceable or unnecessary property or materials at their station having an estimated value in excess of $25 ($1,000 in the Forest Service and the Bureau of Public Roads); and 2) to determine disposition of all unserviceable or unnecessary property or materials in the Department at headquarters, D. C.

Insofar as unserviceable or unnecessary property or materials in the field are concerned, this Board will receive from boards of survey at field stations recommendations regarding such property or materials, make such inspections, either personally or through delegations, as may be considered necessary, determine disposition of it, by sale, exchange, or donation as will, in its judgment, best serve the public interest.

Insofar as unserviceable or unnecessary property and materials in headquarters, D. C., are concerned, this Board will receive from chiefs of bureaus from time to time lists of property or materials in headquarters which are unserviceable or unnecessary, indicate the same, determine disposition, and see that such disposition is made of such property or materials.

The procedure to be followed in determining disposition of property in headquarters will be, after the inspection, to have such property listed, tagged, and exhibited, after publication in all bureau property offices,

and then transfer without charge to bureaus or offices such articles as may be desired, taking a receipt and attaching it to the turn-in papers.

Articles not transferred to bureaus or offices will be held in stock for a reasonable time and, if not needed by the department, disposed of through transfer to the Procurement Division of the Treasury Department.

Boards of Survey at field stations.- Chiefs of bureaus shall appoint boards of survey, composed of three members if practicable but less if necessary, whose terms shall run as determined by the chiefs of bureaus, to inspect unserviceable or unnecessary property or materials, recommend to the chief of bureau appropriate disposition of property or materials having an estimated value not in excess of $500 ($1000 in the Forest Service and the Bureau of Public Roads) and to the Departmental Board of Survey in Washington the appropriate disposition of property or materials having an estimated value in excess of $500 ($1000 in the Forest Service and the Bureau of Public Roads), which bureau chiefs and Board of Survey, respectively, shall determine the disposition of such property and materials, and to see that the disposition of such property or materials as determined by the chiefs of bureau and the Board of Survey, respectively, is made.

When any board of survey has decided that articles shall be sold, the sale will be advertised by notifying interested parties by letter, circular, or poster. No expense will be allowed for advertising in newspapers except by specific written authority of the director of purchase, sales and traffic. When property has been sold the board of survey will

pay all expenses, take receipts therefor, and remit the net proceeds by postal money order, bank draft, or cash, to the Chief Disbursing Officer, Treasury Department, to the credit of miscellaneous receipts. No department property shall be disposed of by private sale unless the chief of the division of purchase, sales, and traffic shall so direct.

It shall be the duty of each board of survey to see to the destruction of all property which it has condemned and ordered to be destroyed. At least one member of the board shall be present when the property is destroyed, and when property destruction has been effected shall make and submit to the chief of the division of purchase, sales and traffic a certificate to that effect.

The transfer of property in the field from one bureau to another shall be made only upon the approval of the chief of the division of purchase, sales, and traffic.

Appropriate records are to be made and retained in every case involving the disposition of property or materials.

(C.D. 26:709)

BOARDS OF SURVEY

Departmental Board of Survey:- The Secretary of Agriculture shall appoint a board of survey, composed of three members whose terms shall run for one, two, and three years, respectively, but thereafter their terms shall run for three years, one of whom shall be designated chairman.

This Board shall have two functions: 1) to determine disposition of unserviceable or unnecessary property or materials at field stations having an estimated value in excess of $500 ($1,000 in the Forest Service and the Bureau of Public Roads); and 2) to determine disposition of all unserviceable or unnecessary property or materials in the Department at Washington, D. C.

Insofar as unserviceable or unnecessary property or materials in the field are concerned, this Board will receive from boards of survey at field stations recommendations regarding such property or materials, make such inspection, either personally or through deputies, as may be considered necessary, determine dispositionof it, by sale, reissue, or destruction as will, in its judgment, best serve the public interest.

Inasofar as unserviceable or unnecessary property and materials in Washington, D. C., are concerned, this Board will receive from chiefs of bureaus from time to time lists of property or materials in Washington which are unserviceable or unnecessary, inspect the same, determine disposition, and see that such disposition is made of such property or materials.

The procedure to be followed in determining disposition of property in Washington will be, after the inspection, to have such property listed, tagged, and exhibited, after notification to all bureau property officers,

BOARD OF SURVEY

Surplus Board of Survey.- The Superintendent of Institutions shall appoint a Board of Survey, consisting of three business office trades shall one for the, two, and three party, respectively, and Superintendent shall issue audit for the three parts, and it shall be designated chairman.

This Board shall have the functions: 1) to determine disposition of unserviceable or unnecessary property or materials as field utilizing or utilized which is estimated of $500 (1,000) in the Internal Revenue and the Bureau of Public Roads; and 2) to determine disposition of all unserviceable or unnecessary property or materials in the Department of Institutions, S. T.

Insofar as unserviceable or unnecessary property or materials in the field are concerned, this Board will receive from boards of survey as field utilizing recommendations regarding such property or materials, upon their inspection, either personally or through agents, as may be considered necessary. Interview disposition of it, by sale, release, or destruction as will, in its judgment, best serve the public interest.

Insofar as unserviceable or unnecessary property and materials in Washington, S. T., are concerned, this Board will receive from chiefs of bureaus from time to time lists of property or materials in Washington which are unserviceable or unnecessary. Insofar the same, determine disposition, and see that such disposition is made of such property or materials.

The procedure to be followed in determining disposition of unserviceable in Washington will be, after the inventoried, to move such property listed, tagged, and assigned, after satisfaction to all concerned property officers.

and then transfer without charge to bureaus or offices such articles as may be desired, taking a receipt and attaching it to the turn-in papers.

Articles not transferred to bureaus or offices will be held in stock for a reasonable time and, if not needed by the department, disposed of through transfer to the Procurement Division of the Treasury Department.

Boards of Survey at field stations.- Chiefs of bureaus shall appoint boards of survey, composed of three members if practicable but less if necessary, whose terms shall run as determined by the chiefs of bureaus, to inspect unserviceable or unnecessary property or materials, recommend to the chief of bureau appropriate disposition of property or materials having an estimated value not in excess of $500 ($1000 in the Forest Service and the Bureau of Public Roads) and to the Departmental Board of Survey in Washington the appropriate disposition of property or materials having an estimated value in excess of $500 ($1000 in the Forest Service and the Bureau of Public Roads), which bureau chiefs and Board of Survey, respectively, shall determine the disposition of such property and materials, and to see that the disposition of such property or materials as determined by the chiefs of bureau and the Board of Survey, respectively, is made.

When any board of survey has decided that articles shall be sold, the sale will be advertised by notifying interested parties by letter, circular, or poster. No expense will be allowed for advertising in newspapers except by specific written authority of the director of purchase, sales and traffic. When property has been sold the board of survey will

pay all expenses, take receipts therefor, and remit the net proceeds by postal money order, bank draft, or cash to the Chief Disbursing Officer, Treasury Department, to the credit of miscellaneous receipts. No department property shall be disposed of by private sale unless the chief of the division of purchase, sales, and traffic shall so direct.

It shall be the duty of each board of survey to see to the destruction of all property which it has condemned and ordered to be destroyed. At least one member of the board shall be present when the property is destroyed, and when property destruction has been effected shall make and submit to the chief of the division of purchase, sales and traffic a certificate to that effect.

The transfer of property in the field from one bureau to another shall be made only upon the approval of the chief of the division of purchase, sales, and traffic.

Appropriate records are to be made and retained in every case involving the disposition of property or materials.

(C.D. 26:709)

UNITED STATES DEPARTMENT OF AGRICULTURE

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

WASHINGTON, D.C.

December 4, 1935.

Mr. Walter L. Miller,
Executive Secretary, Committee on Revision
of Regulations,
Office of Budget and Finance.

Dear Mr. Miller:

This is in response to your letter of November 29 requesting comment on the proposed regulation with regard to the establishment and procedure of boards of survey.

Under "Departmental Board of Survey" would it not be desirable to include language indicating that in making recommendations to the Departmental Board of Survey the various boards of survey at field stations will submit them through the chiefs of their respective bureaus? It might also be well to make it entirely clear in this paragraph that so far as the field service is concerned the Departmental Board of Survey will consider only cases in which the estimated value of the property exceeds $500. While this would be inferred from the preceding paragraph, the third paragraph, if read alone, would give the impression that the Departmental Board of Survey would pass on all field property.

It seems to me that the first paragraph under the section "Boards of Survey at field stations" could be improved by breaking it up into more sentences. As it is now, the whole paragraph is a single sentence and it is hard to follow the thread of thought throughout. As indicated in my comments on the Departmental Board of Survey, I believe that recommendations made by field boards of survey to the Departmental Board should clear through the chief of the bureau concerned.

It should be made clear in the discussion of boards of survey at field stations that the field boards of survey shall await the approval of the Washington board of survey or the chief of bureau, as the case may be, before proceeding with the sale or destruction of property concerning which recommendations have been submitted.

In the instructions as to the disposition of the receipts for property sold, it would seem desirable either to provide that the net proceeds shall be forwarded to the bureau concerned for transmission to the Chief Disbursing Officer, Treasury Department, or that at the time of sale the proceeds be sent to the Chief Disbursing Officer by the board of survey and the chief informed of the action taken. While

personally I favor the first course, I can see no serious objection to the second if it is desired to have the boards of survey make deposits direct.

Very truly yours,

D. H. Spencer.

Business Manager.

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C.

DIVISION OF OPERATION

December 2, 1935

Memorandum for Mr. Walter L. Miller,
Division of Budget and Finance

Dear Mr. Miller:

Replying to your memorandum of November 29, 1935, in regard to the setting up of boards of survey, it is suggested that the second paragraph on Page 2 be revised as follows:

"Articles not transferred to bureaus or offices will be held in stock for a reasonable time and if not needed by the Department will be disposed of by transfer to the Procurement Division, Treasury Department."

On Page 3, second paragraph, the insertion of "been" seems to be an error. If "been" is inserted "it" should be omitted.

The word "by", the first word on Page 3 should be omitted.

Very truly yours,

Joseph Haley
Chief, Division of Operation.

UNITED STATES DEPARTMENT OF AGRICULTURE

BUREAU OF PLANT INDUSTRY

WASHINGTON

RS

OFFICE OF CHIEF OF BUREAU

December 9, 1935.

MEMORANDUM FOR MR. WALTER L. MILLER.

Dear Mr. Miller:

Careful consideration has been given your memorandum of November 29, 1935, enclosing a proposed section for the revised administrative regulations covering boards of survey.

In general, I consider the outline excellent. In preparing this outline, naturally you people have in mind primarily departmental procedure. On the other hand, here in the Bureau, we must consider the correlation of the procedure with our Bureau accounting. It is suggested, therefore, that the words "through the Chief of Bureau" be inserted on the 7th line, 2nd paragraph, page 2, after the word "survey", and on the first line of page 3, after the word "cash".

It is suggested that the last 2 lines of the 2nd paragraph, page 3, after the word "submit" be replaced with the following: "* * * to the Chief of Bureau a certificate to that effect. When the amount involved is in excess of $500.00, an extra copy of the certificate shall be furnished the Chief of Bureau for transmittal to the Chief, Division of Purchase, Sales and Traffic."

The term "General Supply Committee" should, of course, be "Procurement Division". It is my understanding that this does not apply to perishable surplus products, and that, therefore, the sentence at the top of page 3 reading "No department property shall be disposed of by private sale unless the chief of the division of purchases, sales and traffic shall so direct" will not prevent the sale of small amounts of perishable surplus products as they become available, without advertising or reference to the Division of Purchase, Sales and Traffic.

Very sincerely,

T. B. Lecause

Business Manager of Bureau.

UNITED STATES
DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

December 9, 1935

Mr. Walter L. Miller, Executive Secretary
Committee on Revision of Regulations
Department of Agriculture

Dear Mr. Miller:

Your memorandum of November 29, 1935, addressed to Mr. Abbot, relative to the revision of departmental regulations covering the establishment and procedure of boards of survey both in Washington and the Field, has been referred to this Section for reply.

We would suggest the deletion or revision of the last sentence, first paragraph, page 3, reading in the draft as follows:

> "No department property shall be disposed of by private sale unless the chief of the division of purchases, sales and traffic shall so direct."

This, of course, refers to the disposition of property or materials having an estimated value of $500 ($1000 in the Forest Service and the Bureau of Public Roads). The disposition of property is adequately taken care of by the last part of the second paragraph, page two.

We would also suggest that the last part of the second paragraph, page three, be revised as it is our understanding that property can be sold or disposed of by the Bureau without the approval of the Division of Purchase, Sales and Traffic when the estimated value of property or materials is not in excess of $500. This is taken care of by the first part of paragraph two, page two, of the revised draft.

Very truly yours,

Shane Mac Carthy

Shane Mac Carthy,
In Charge
Procurement, Contracts and Space

Boards of Survey

Departmental Board of Survey.- The Secretary of Agriculture shall appoint a board of survey, composed of three members whose terms shall run for one, two, and three years, respectively, but thereafter their terms shall run for three years, one of whom shall be designated chairman.

This Board shall have two functions: 1) to determine disposition of unserviceable or unnecessary ~~article, property~~ or materials at field stations having an estimated value in excess of $500 ($1000 in the Forest Service and the Bureau of Public Roads); and 2) to determine disposition of all unserviceable or unnecessary ~~article, property~~ or materials in the Department at Washington, D.C.

Insofar as unserviceable or unnecessary property or materials in the field are concerned, this Board will receive from boards of survey at field stations recommendations regarding such property or materials, make such inspection, either personally or through deputies, as may be considered necessary, ~~recommend~~ determine disposition of it, by sale, reissue, or destruction as will, in its judgment, best serve the public interest.

Insofar as unserviceable or unnecessary property and materials in Washington, D.C., are concerned, this Board will receive

from chiefs of bureaus from time to time lists of ~~stores~~ property ~~commodities~~ or materials in Washington which are unserviceable or unnecessary, inspect the same, ~~recommend~~ determine disposition, and see that such disposition is made of ~~sto~~ property or materials.

The procedure to be followed in determining disposition of property in Washington will be, after inspection, to have such property listed, tagged, and exhibited, after notification to all bureau property officers, and then transfer without charge to bureaus or offices such articles as may be desired, taking a receipt and attaching it to the turn-in papers.

Articles not transferred to bureaus or offices will be held in stock, delivered to the mechanical superintendent for salvage of such parts as may be useful, or, if not needed by the department, disposed of through transfer to the General Supply Committee.

~~Field~~ Boards of Survey at Field Stations. — Chiefs of bureaus shall appoint boards of survey, composed of three members if practicable but less if necessary, whose terms shall run as determined by the chiefs of bureaus,

to inspect unserviceable or unnecessary property or materials, recommend to the chief of bureau appropriate disposition of property or materials having an estimated value not in excess of $500 ($1000 in the Forest Service and the Bureau of Public Roads) and to the ~~Department~~ Board of Survey in Washington the appropriate disposition of property or materials having an estimated value in excess of $500 ($1000 in the Forest Service and the Bureau of Public Roads), which bureau chiefs and Board of Survey, respectively, shall determine the disposition of such property and materials, and to see that the disposition of such property or material as determined by the chiefs of bureau and the Board of Survey, respectively, is made. (A)

Appropriate records are to be made and retained in every case involving the disposition of property or materials.

Public Roads) the director of purchases and sales, on recommendation of the bureau chief, will designate the board of survey.

When any board of survey has decided that articles shall be sold, the sale will be advertised by notifying interested parties by letter, circular, or poster. No expense will be allowed for advertising in newspapers except by specific written authority of the director of purchases and sales. When property has been sold the board of survey will pay all expenses, take receipts therefor, and remit the net proceeds by postal money order, bank draft, or cash to the disbursing clerk or appropriate fiscal agent, to be deposited in the Treasury to the credit of miscellaneous receipts. No department property shall be disposed of by private sale unless the director of purchases and sales shall so direct.

It shall be the duty of each board of survey to see to the destruction of all property which it has condemned and ordered to be destroyed. At least one member of the board shall be present when the property is destroyed, and when property destruction has been effected shall make and submit to the director of purchases and sales a certificate to that effect.

The transfer of property in the field from one bureau to another shall be made only upon the approval of the director of purchases and sales.

The sale of property in the field by one bureau to another is prohibited. (Laws 830, 875, 892, 896, 924.)

213. Sale of Property Specifically Authorized by Law; no Action by Board of Survey Required.—Photo prints, lantern slides, index cards, maps, farm products, pathological and zoological specimens, official cotton standards, samples of pure sugars, naval stores, microscopical specimens, animals and animal products, and other articles, the sale of which is specifically authorized by law, need not be submitted to a board of survey. (Laws 855, 892, 894, 896, 899, 900, 906, 907, 932, 944, 957, 959, 961, 962, 977, 1003.1.)

appropriate recommendation to that end should be made. (Law 861.)

211. Sale or Other Disposition of Property in Washington.—Unserviceable articles or serviceable articles for which a bureau in Washington has no further use will be listed, tagged, and turned over to the chairman of the board of survey, who will place the same on exhibition, notifying all bureau property officers, and transfer without charge to other bureaus such articles as may be desired, taking a receipt and attaching it to the turn-in papers.

Articles not so transferred will be placed in stock in the Secretary's supply room, or delivered to the mechanical superintendent for salvage of such parts as may be useful, or, if not needed by the department, disposed of by transfer through the department board of survey to the General Supply Committee.

Perishable products arising from experimentation in Washington or vicinity shall be turned over to the chairman of the board of survey, who shall dispose of such products through sale or otherwise as may be directed by the director of purchases and sales.

No department property shall be disposed of by private sale unless the director of purchases and sales shall so direct. (Laws 830, 875, 892, 896, 924.)

212. Sale or Other Disposition of Property at Field Stations.—Serviceable articles at field stations which are of no further use to the bureau concerned will be reported as surplus to the director of purchases and sales together with recommendations as to disposition. Unserviceable articles worn out or damaged beyond repair having a sales value estimated not to exceed $500 ($1,000 in the Forest Service and Bureau of Public Roads) may be disposed of at the field stations by boards of survey designated by the chiefs of bureaus. When the articles have an estimated value in excess of $500 ($1,000 in the Forest Service and Bureau of

4421. - BOARDS OF SURVEY

Departmental Board of Survey.- The Secretary of Agriculture shall appoint a board of survey, composed of three members, one of whom shall be designated chairman, whose terms shall run for one, two, and three years, respectively, but thereaftertheir terms shall run for three years.

This board shall have three functions:

1) to determine the disposition of all unserviceable or surplus property (other than real property) or materials in the department at Washington, D. C.;

2) to determine, after communication with the Procurement Division of the Treasury Department, the disposition of all surplus serviceable property or materials at field stations;

3) to determine the disposition of all unserviceable property or materials at field stations having an estimated value in excess of $500.

Insofar as unserviceable or surplus property and materials in Washington, D. C. are concerned, this board will receive from chiefs of bureaus from time to time lists of property or materials in Washington which are unserviceable or surplus, inspect the same, determine disposition, after communication with the Procurement Division, and see that such disposition is made of such property or materials.

The procedure to be followed in determining disposition of property in Washington will be, after the inspection, to have such property listed, tagged, and exhibited, after notification to all bureau property officers, and then transfer without charge to bureaus or offices such articles as may be desired, taking a receipt and attaching it to the turn-in papers.

Articles not transferred to bureaus or offices will be held in stock for a reasonable time, and if not needed by the department, disposed of through transfer to the Procurement Division of the Treasury Department.

Insofar as surplus serviceable property and materials at field stations are concerned, this board will receive from field boards of survey, through chiefs of bureaus, recommendations concerning disposition, communicate with other bureaus and if such property or materials are not required by them, communicate with the Procurement Division. If no other Federal agency requires such property or materials, sale or destruction of them will be authorized.

Insofar as unserviceable property or materials in the field having an estimated value in excess of $500 are concerned, this board will receive from boards of survey at field stations, through the chief of bureau, recommendations regarding such property or materials, make such inspection, either personally or through deputies, as may be considered necessary, and determine disposition of it.

Boards of Survey at field stations.- Chiefs of bureaus shall appoint boards of survey, composed of three members if practicable but less if necessary, whose terms shall run as determined by the chiefs of bureaus. It shall be the duty of such boards:

1) to inspect unserviceable or surplus property or materials;

2) to determine disposition of all unserviceable property or materials having an estimated value not exceeding $500;

priate fiscal agent, to be deposited in the Treasury to the credit of miscellaneous receipts. No department property shall be disposed of by private sale unless the director of purchase, sales, and traffic shall so direct.

It shall be the duty of each board of survey to see to the destruction of all property which it has condemned and ordered to be destoryed. At least one member of the board shall be present when the property is destroyed, and when property desturction has been effected shall make and submit to the director of purchase, sales, and traffic a certificate to that effect.

The transfer of property in the field from one bureau to another within the department may ~~shall~~ be made ~~only upon the approval of the director of purchase, sales, and traffic.~~ by agreement between the two bureaus.

The sale of property in the field by one bureau to another is prohibited. (Laws 830, 875, 892, 896, 924.)

Index Under:

Articles, disposition of unserviceable or serviceable

Disposition of property

Exchange of property

Sale of property at field stations

Salvage of surplus property

Serviceable articles, disposition of

Transfer of articles to other bureaus

Unserviceable articles, disposition of

Dep. Reg. #62 July 22, 1936 mch

1000

DEPARTMENT OF AGRICULTURE

WASHINGTON

June 30, 1936.

FILE

MEMORANDUM NO. ~~670~~ 700

Establishment of Commodity Exchange Administration

Effective July 1, 1936, there is hereby established in the Department the Commodity Exchange Administration, to carry into effect the provisions of the Commodity Exchange Act.

IT IS ORDERED that, effective July 1, 1936, all employees who on June 30, 1936 were on the rolls of the Grain Futures Administration, which is abolished by this order, be, and they hereby are, transferred to and appointed in the Commodity Exchange Administration, at their respective grades and salaries on said date.

The books and records and all equipment of the Grain Futures Administration are hereby transferred to the Commodity Exchange Administration.

C. W. Pugsley

Acting Secretary.

DEPARTMENT OF AGRICULTURE

WASHINGTON

7/4

Mrs I
Clear copy & let me
pass on to me
WJ

Memorandum No. —

June 30, 1936

Establishment of Commodity Exchange Administration

~~SPECIAL ORDER~~

Effective July 1, 1936, there is hereby established in the Department the Commodity Exchange Administration,

IT IS ORDERED that, effective July 1, 1936, all employees who on June 30, 1936 were on the rolls of the Grain Futures Administration, which is abolished by this order, be, and they hereby are, transferred to and appointed in the Commodity Exchange Administration, at their respective grades and salaries on said date.

The books and records and all equipment of the Grain Futures Administration is hereby transferred to the Commodity Exchange Administration.

Secretary of Agriculture.

Commodity Exchange

to carry into effect the provisions of the Act.

Commodity Exchange Administration

UNITED STATES DEPARTMENT OF AGRICULTURE

~~GRAIN FUTURES ADMINISTRATION~~

WASHINGTON, D. C.

July 15, 1936.

MEMORANDUM FOR DR. W. W. STOCKBERGER

Dear Dr. Stockberger:

By order of the Secretary in the form of an amendment to the rules and regulations of the Grain Futures Act, dated June 27, 1936, the name of this organization was changed from the Grain Futures Administration to the Commodity Exchange Administration, effective July 1, 1936, and this change was given public notice in the June 30, 1936 issue, Volume 1, No. 77, of the Federal Register. In view of this amendment, it is presumed that action is to be taken to change the department's records to show that the employees now on our rolls are in effect employees of the Commodity Exchange Administration and with this thought in mind a list, in duplicate, showing the names, titles and compensation rates, of all employees, both Washington and field service, is transmitted herewith.

A copy of the amendment is attached for your immediate reference.

Very truly yours,

J. M. Mehl

Acting Chief.

Inc.

Transfer under auth Secy's Memo ~~670~~ 708 June 30, 1936

Entered on cards

(COPY)

Rules and Regulations under Grain Futures Act - Amendment of

By virtue of the authority vested in the Secretary of Agriculture by the Grain Futures Act, approved September 21, 1922 (42 Stat. 998, 7 U.S.C., 1934 ed., secs. 1-17), as amended by the Act of Congress approved June 15, 1936 (Public No. 675 of the 74th Congress), I, H. A. Wallace, Secretary of Agriculture, do make, prescribe, and give public notice of the following amendment to the rules and regulations under said Act to be in force and effect on and after July 1, 1936, until amended or superseded under the authority of said Act.

Sections 2, 3, 5, 6, and 7 of said rules and regulations as amended are amended by striking the words "Grain Futures Administration" wherever they appear therein and inserting in lieu thereof the words "Commodity Exchange Administration."

Section 8 of said rules and regulations is amended by striking the entire paragraph (k), reading as follows:

> (k) "Grain Futures Administration" means the officer or officers designated by the Secretary of Agriculture to carry out the provisions of the Grain Futures Act.

and by inserting in lieu thereof the following paragraph:

> (k) "Commodity Exchange Administration" means the officer or officers designated by the Secretary of Agriculture to carry out the provisions of the Grain Futures Act approved September 21, 1922 (U.S.C., 1934 ed., title 7, secs. 1-17), as amended by the Act of Congress approved June 15, 1936 (Public No. 675 of the 74th Congress.)

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, this 27th day of June, 1936.

(Signed) H. A. Wallace

Secretary of Agriculture.

(SEAL)

[illegible]

[illegible] 1938, [illegible] 1-41, [illegible]

[illegible] 1, 1938 [illegible]

[illegible] ture, do make, prescribe, and give public notice of the follow-

[illegible]

in force and effect on and after July 1, 1938, until amended or superseded under the authority of said Act.

Sections 2, 3, 5, 6, and 7 of said rules and regulations [illegible] ministration" wherever they appear therein and inserting in lieu thereof the words "Commodity Exchange Administration."

Section 8 of said rules and regulations is amended by [illegible] entire paragraph (k), reading as follows:

(k) "Grain Futures Administration" means the officer or officers designated by the Secretary of Agriculture to carry out the provisions of the Grain Futures [illegible]

[illegible]:

(k) "Commodity Exchange Administration" means the [illegible] Agriculture to carry out the provisions of the Grain Futures Act approved September 21, 1922 (U.S.C., 1934 [illegible], [illegible] 7, [illegible] 1-17), as amended by the Act of Congress approved June 15, 1938 (Public No. 675 of the 75th Congress.)

In testimony whereof I have hereunto set my hand and [illegible]

COMMODITY EXCHANGE ADMINISTRATION

List of Personnel

Departmental Service

Name	Title	Compensation Rate
Baker, Louise T.	Asst. Clk-Steno.	$1620
Duvel, Joseph W. T.	Chief	7000
Gershenson, Mary B.	Clerk-Steno.	1800
Hammatt, Theodore D.	Sr. Mktg. Spec.	4600
Harper, Roger E.	Sr. Clerk	2000
Hough, Frances G.	Asst. Clerk	1620
Howard, Dorothy	Clerk-Steno.	1800
Kauffman, Rodger R.	Asst. Chf. Investigator	4600
Mehl, Joseph M.	Asst. Chief	6000
Repetti, Annie M. V.	Clerk	1980
Stack, Mallie B.	Jr. Clk-Steno.	1440
Strack, Albert	Admn. Asst.	3200
Thompson, Frances	Sr. Clk-Steno.	2500
Yowell, Sam B.	Jr. Clerk	1440
Zuraski, Helen M.	Asst. Clk-Steno.	1620

Field Service

Alegre, Alva V.	Asst. Messenger	1260
Allman, Thelma M.	Jr. Operative	1500
Baston, George H.	Sr. Gr. Exch. Supr.	4600
Botts, Emma A.	Clerk	1920
Crook, Margaret	Sr. Clerk	2000
Dawson, Catherine M.	Asst. Clerk	1800
Fink, Kate	Jr. Steno.	1440
Fischer, Roy C.	Pr. Accountant	4000
Fitz, L. A.	Pr. Gr. Exch. Supr.	6000
Fried, Evelyn	Sr. Steno.	1620
Fritz, Charles M.	Sr. Gr. Exch. Supr.	4800
Gearhart, Clara M.	Clerk-Steno.	1920
Gibson, Berenice E.	Asst. Clk-Steno.	1620
Goebel, Elsie	Sr. Operative	1860
Grosser, Anna I.	Asst. Clerk	1740
Hathaway, Gertrude A.	Jr. Clerk	1440
Henderson, Hazel H. B.	Jr. Operative	1500
Hoffman, Geo. W.	Cons. Gr. Econ.	15.56 per diem
Hollister, Harold I.	Asst. Mktg. Spec.	2600
Holstein, Sarah	Sr. Operative	1860
Howard, Florence A.	Jr. Clk-Typist	1440

Field Service-Continued

Name	Title	Compensation Rate
Hoyt, Harrison M.	Asst. Accountant	$2600
Hunter, Addie E.	Jr. Steno.	1440
Irwin, H. S.	Agri. Econ.	4000
Jeffers, L. M.	Gr. Exch. Supr.	1000
Joergenson, Bertha	Asst. Clk-Steno.	1740
Johnson, Myrtle A.	Asst. Clerk	1920
Johnson, Selma C.	Asst. Clk-Steno.	1620
Klein, Ruth A.	Jr. Operative	1440
Koutsky, James F.	Pr. Clerk	2300
Lawrence, Julie	Asst. Clerk	1620
Logan, Wm. F.	Sr. Gr. Exch. Supr.	4600
Mathewson, J. R.	Sr. Gr. Exch. Supr.	4600
Mayo, Arthur W.	Pr. Accountant	4000
McCraw, Vera N.	Sr. Operative	1620
McIntyre, John N.	Jr. Clerk	1500
Mehl, Paul	Sr. Agri. Econ.	5000
Meyer, Frances M.	Clerk-Steno.	1920
O'Connor, Frank X.	Asst. Clerk	1620
Rosenfeld, Rose	Asst. Clk-Steno.	1620
Scheel, Esther H. L.	Jr. Operative	1500
Schenck, Louise	Asst. Clerk	1860
Sheridan, Gladys M.	Jr. Steno.	1440
Shortell, Richard F.	Pr. Accountant	3800
Silberman, Jeannette J.	Asst. Clk-Steno.	1620
Snedaker, Sylva	Jr. Clerk	1560
Thul, Michael M.	Jr. Gr. Exch. Supr.	2600
Turner, Margaret M.	Sr. Steno.	1740
Withers, Joseph B.	Asst. Chief Acent.	4600
Wolf, Louis E.	Assoc. Mktg. Spec.	3200

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Ear.

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON

December 3, 1936

MEMORANDUM NO. 701

Departmental Committee on Problem of Federal-State Relations in Agricultural Activities.

At the recent meeting of the Land Grant College Association in Houston, I discussed with the Executive Committee the increasingly complex problem of Federal-State relations in agricultural activities. In fact, this was one of the primary topics of discussion among the State folks. The problems involved arise partly from the many new responsibilities which have, to say the least, strained machinery that was originally set up to handle the ordinary research, regulatory, and educational activities of the Department. We have had to create new procedures and organizations to get work done. An inventory of the methods of handling our work within the States now is very different from what it was a few years ago.

I told the Executive Committee of the Association I thought it advisable to designate a committee to study this field for the Department and to confer with a committee appointed by the Association. Because the situation varies so much from bureau to bureau, I am limiting the formal committee to Assistant Secretary M. L. Wilson and M. S. Eisenhower of my office, with the understanding that they will set up sub-committees and call into consultation many people in the various units of the Department. I think it is time to review the whole field involved in this relationship, and the committee designated will be responsible for a comprehensive study and recommendations from the departmental point of view.

The work of this committee is exceptionally important, and I shall appreciate it if every one of you will extend every help and cooperation. I want to encourage every official of the Department who has facts and views on this question which he thinks the committee ought to have, to take the initiative in presenting them, either in person or by memorandum.

The Land Grant College Association also plans to appoint a committee to consider the problem from the State point of view. While the two committees will be separate, they will occasionally hold joint meetings and will maintain constant liaison. I suggest that all consultations of the Department with the Land Grant College committee be handled by Mr. Wilson and Mr. Eisenhower. Otherwise, we would be sure to have confusion and misunderstandings.

~~Sincerely yours,~~

H A Wallace

Secretary

MEMORANDUM FOR CHIEFS OF BUREAUS AND OFFICES

At the recent meeting of the Land Grant College Association in Houston, I discussed with the Executive Committee the increasingly complex problem of Federal-State relations in agricultural activities. In fact, this was one of the primary topics of discussion among the State folks. The problems involved arise partly from the many new responsibilities which have, to say the least, strained machinery that was originally set up to handle the ordinary research, regulatory, and educational activities of the Department. We have had to create new procedures and organizations to get work done. An inventory of the methods of handling our work within the States now is very different from what it was a few years ago.

I think it is time to review this whole field. The following Committee will be responsible for the study and recommendations from the Department point of view:

M. L. Wilson, Assistant Secretary of Agriculture, Chairman
M. S. Eisenhower, [redacted] Secretary's Office, and Director of Information
R. M. Evans, Assistant to the Secretary

~~This Committee will wish to consult with Chiefs of Bureaus and Offices and will, no doubt, need the assistance of a number of sub-committees. The job of the Committee is exceptionally important and I shall~~ appreciate it if every one of you will extend ~~every help and cooperation.~~ I want to encourage every official of the Department who has facts and views on this question which he thinks the Committee ought to have, to take the initiative in presenting them, either in person or by memorandum.

The Land Grant College Association also plans to appoint a Committee to consider the problem from the State point of view. While the two Committees will be separate, they will occasionally hold joint meetings and will maintain constant liaison. I suggest that all ~~contacts between~~ Consult. of the Department ~~and~~ the Land Grant College Committee be handled ~~through the Department group~~ by. Otherwise, we would be sure to have confusion and misunderstandings.

Sincerely yours,

File

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON

FILED
DEC 10 1936

Ordered No 290 12/8/36

December 3, 1936

MEMORANDUM NO. 702

Committee on Departmental Coordination

The Department is coming into a period in which we shall have to strengthen, realign and coordinate much of the work of the Department as we effect a transition from the emergency character of much that was done during the last Administration. It is a time for tying together, tightening up, smoothing out and improving procedure, and making for better working relationships.

In order that there may be a special group charged with the responsibility of bringing up matters that need attention, I wish to appoint a Committee on Departmental Coordination. This Committee for the present will include the following:

Assistant Secretary M. L. Wilson, Chairman
Paul Appleby
J. D. LeCron
Milo Perkins
R. M. Evans
W. A. Jump
J. T. Jardine
F. A. Silcox
A. G. Black
H. R. Tolley
M. S. Eisenhower
T. H. MacDonald

H A Wallace

Secretary.

Files

Ordered #295 12/10/36

UNITED STATES DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

WASHINGTON

December 10, 1936.

MEMORANDUM NO. 703

APPOINTMENT OF ASSISTANT DIRECTOR OF FINANCE

Effective this date, Mr. H. A. Nelson has been appointed Assistant Director of Finance.

In addition to the duties of this position, Mr. Nelson will continue to serve as Director of the National Agricultural Research Center until relieved.

H A Wallace

Secretary.

Files

Filed No 323 12/29/36

DEPARTMENT OF AGRICULTURE
WASHINGTON

December 29, 1936.

MEMORANDUM NO. 704

Effective immediately, no matters pertaining to administration by the Department of Agriculture of existing legislation, or to proposed legislation which relates to the work of this Department, shall be discussed by employees of the Department with any person who is now employed or connected with commercial interests that are affected by such legislation or the administration thereof and who, within a period of two years, has been employed by this Department or any Department of the government charged with the administration of such legislation.

R G Tugwell
Acting Secretary.

Embodied in Dept Regulation # 1549 Amend # 15 Effective Nov '37

Effective immediately, no matters pertaining to administration by the Department of Agriculture of existing legislation, or proposed legislation ~~pending~~ which relate~~ing~~d to the work of this Department, shall be discussed by employees of the Department with any person who is now employed or connected with commercial interests that are affected by such legislation or the administration thereof, and who, within a period of two years~~, preceding such employment by a commercial interest~~, has been employed by this Department or any Department of the government charged with ~~in~~ the administration of such legislation.

Secretary

Effective immediately, no actions undertaken in administration by the Department of Agriculture of existing legislation, or legislation pending introduction to the work of this Department, shall be discussed by employees of the Department with any person or company or connected with commercial interests affected by such legislation or the administration thereof, nor shall any person employed in the Department engage in commercial dealings or have any interest in such transactions or any Department of the government in the administration of such legislation.

Secretary

DEPARTMENT OF AGRICULTURE
WASHINGTON

Orders #329 12/31/36

December 31, 1936.

MEMORANDUM NUMBER 705

Department Committee on Federal-State Relations

On December 3, 1936, I designated M. L. Wilson and M. S. Eisenhower as the Department Committee on Federal-State Relations (see Memorandum Number 701). The plan was that Mr. Wilson and Mr. Eisenhower would devote a great deal of time to this highly important job and would call upon other officials concerned for assistance from time to time.

Mr. Wilson and Mr. Eisenhower have had a number of discussions about the job ahead and now feel very definitely that the committee should be larger — particularly that it should have members who have had a great deal of experience in supervising various classes of work carried on by the Department in the States. I am therefore reconstituting the committee as follows:

M. L. Wilson, Chairman (R. M. Evans, alternate)
M. S. Eisenhower
C. W. Warburton
Thos. H. MacDonald
W. A. Jump
J. T. Jardine
Reuben Brigham

H A Wallace

Secretary.

DEPARTMENT OF AGRICULTURE
WASHINGTON

MEMORANDUM NUMBER 705

Department Committee on Federal-State Relations

On December 7, 1936, I designated M. L. Wilson and M. S. Eisenhower as the Department Committee on Federal-State Relations (see Memorandum Number 701). The plan was that Mr. Wilson and Mr. Eisenhower would devote a great deal of time to this highly important job and would call upon other officials concerned for assistance from time to time.

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C. W. Warburton
Thos. E. MacDonald
W. A. Jump
J. T. Jardine
Reuben Brigham

Secretary.

Return to Agr. Council
Office of the Secretary
& Rm 209 ahead

UNITED STATES DEPARTMENT OF AGRICULTURE
Office of the Secretary
Washington, D.C.

OBSOLETE

Copy

AC1 - M. L. Wilson
Sent 6-23-4
Reply rec'd 6-30-4

December 31, 1936

MEMORANDUM NUMBER 705

Department Committee on Federal-State Relations

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M. S. Eisenhower
C. W. Warburton
Thos. H. MacDonald
W. A. Jump
J. T. Jardine
Reuben Brigham

signed - H. A. Wallace

Secretary.

Proofread and found correct
Cheesman
C. Merrill

Obsolete - see memo M. L. Wilson Exp & Admin Council 6-29-42 and Mr. Webster's note of 7-9-42
John Thurston
7-28-42

CK